

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILL O. KING,	:	
	:	JURY TRIAL DEMANDED
Plaintiff,	:	
	:	CIVIL ACTION FILE NO.
v.	:	1:15-CV-0583-TWT
	:	
KYLEMA JACKSON,	:	
Individually and in his Official	:	
Capacity as a City of Atlanta	:	
Police Officer, and	:	
THE CITY OF ATLANTA	:	
Defendants.	:	

FIRST AMENDED COMPLAINT FOR DAMAGES

COMES NOW, Will O. King [“Plaintiff” or “Mr. King”], within twenty-one (21) days of the filing of responsive pleadings and motions as required by FRCP 15(a)(1)(B), and files this, his *First Amended Complaint for Damages* against **Kylema Jackson, Individually and in his Official Capacity as a City of Atlanta Police Officer** [also referred to as “Jackson” or “Defendant Jackson”] and **The City of Atlanta** [also referred to as “the City”] and collectively referred to as “Defendants”], pursuant to 42 U.S.C. §1983 and under Federal and Georgia law. This action arises out of the illegal shooting of Plaintiff Will King, and the unlawful use of deadly force by Kylema Jackson, as a City of Atlanta Police

Officer, as caused by the policies, customs and lack of training by the City of Atlanta. The unlawful shooting and use of unjustified excessive force used against Plaintiff Will King occurred on April 4, 2013, in violation of the Fourth and Fourteenth Amendments to the United States Constitution, the Constitution of the State of Georgia and pursuant to a custom policy and/or practice of the City of Atlanta Police Department (“APD”).

1.

Plaintiff brings this civil rights action for monetary damages, punitive damages, attorneys’ fees and costs pursuant to 42 U.S.C. §§ 1983 and 1988 for violations of Mr. King’s rights under the Fourth and Fourteenth Amendments of the United States Constitution. Plaintiff also brings pendent state law claims against the Defendants arising from the same case and controversy, transactions and occurrences as the Federal Civil Rights claims alleged herein, as recognized by 28 U.S.C. § 1367.

JURISDICTION AND VENUE

2.

This action arises under the U.S. Constitution, including Article II, Section 1, and the laws of the United States. This action is brought pursuant to 42 U.S.C. §§§

1981, 1983 and 1988. This Court has original jurisdiction over Mr. King's Federal Civil Rights claims pursuant to 28 U.S.C. §§ 1331 and 1343. The Court may exercise supplemental jurisdiction over Plaintiff's pendent State law claims pursuant to 28 U.S.C. § 1367(a).

3.

All parties reside in the Northern District of Georgia. The civil rights violations and tortious acts alleged herein occurred in the Northern District of Georgia. Therefore, venue is proper in this District pursuant to 28 U.S.C. § 1391.

PARTIES

4.

Mr. King is a citizen of the State of Georgia who resides in the Northern District of Georgia and has standing to bring claims of this kind and nature in this Court.

5.

Defendant Jackson is a citizen of the State of Georgia residing in the Northern District of Georgia. Defendant Jackson is subject to the personal jurisdiction of this Court and may, and has been, served with the initial summons and process at the City of Atlanta Police Department, Atlanta, Georgia. Service of this Amended

Complaint by be made by mailing a copy of the same to the pro se Defendant, Kylema Jackson, at the address furnished to this Court, to wit: 1650 Anderson Mill Road, #7103, Austell, GA 30106.

6.

Defendant City of Atlanta is a Georgia municipal corporation, maintaining its office at 55 Trinity Ave., Atlanta, GA, and is the legal entity responsible for itself and the City of Atlanta Police Department, whose policies, practices and customs were a moving force in the constitutional and statutory violations set out herein. This Defendant is also the employer of Defendant Jackson and is a proper entity to be sued under 42 U.S.C. § 1983.

7.

At all times relevant to this action, Defendant Jackson was a citizen of the United States and a resident of the State of Georgia. Further, Defendant Jackson was employed as a Police Officer by the City of Atlanta Police Department, was acting under color of state law, and was acting in his capacity as a law enforcement officer employed by the City of Atlanta and/or the Atlanta Police Department. Defendant Jackson is sued individually, and in his official capacity as a City of Atlanta Police Officer.

8.

At all times relevant and material to this Complaint, Defendants acted under color of statutes, customs, rules and usages of the City of Atlanta Police Department and pursuant to customs, practices, and policies implemented and/or ratified by the City of Atlanta.

9.

For state law claims, Plaintiff has complied with the notice requirements of O.C.G.A. Section 36-33-5 by sending his notices of claims to the City of Atlanta. Copies of the notices of claims are attached hereto as Exhibit "A" and incorporated herein by reference.

FACTUAL ALLEGATIONS

10.

Plaintiff incorporates by reference all of the preceding paragraphs, including the allegations of the "Introduction", as if stated verbatim herein.

11.

On the afternoon of April 4, 2013, Mr. King was driving a vehicle on Jonesboro Road, in the City of Atlanta.

12.

In the vehicle with Mr. King were three passengers.

13.

One of the passengers asked Mr. King to stop at a CITGO gas station to make a purchase.

14.

Upon arriving at CITGO, the one passenger exited the vehicle and went inside, leaving Mr. King and two other passengers waiting for him in the vehicle.

15.

Thereafter, Defendant Jackson drove his City of Atlanta Police patrol car into the CITGO parking lot and stopped beside Mr. King's car.

16.

Defendant Jackson then proceeded to back his patrol car behind Mr. King's car, and activate his blue lights.

17.

Defendant Jackson then exited his vehicle with his service weapon drawn and pointed the weapon at Mr. King.

18.

Defendant Jackson approached the driver's side of Mr. King's vehicle with his weapon continually pointed at Mr. King's head.

19.

Defendant Jackson yelled for all of the occupants to raise their hands, to which they all complied, including Mr. King.

20.

Despite the vehicle occupants, including Mr. King, complying with the demand, Defendant Jackson, used unjustified and excessive deadly force by shooting through the glass of the driver's side window, striking Mr. King in the side of the face.

21.

After suffering the massive head injury and bleeding profusely, Mr. King, fearing for his life, managed to drive away from Defendant Jackson, to an address where he was taken to the hospital with life threatening injuries.

COUNT I.

22.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated

verbatim herein.

23.

Defendant Jackson did not know the identity of any of the occupants of the car driven by Mr. King at the time he pulled his patrol car behind Mr. King's vehicle, in the CITGO parking lot, and activated his blue lights.

24.

Defendant Jackson did not know the identity of any of the occupants of the car driven by Mr. King at the time he exited his patrol car with his service weapon drawn.

25.

Defendant Jackson did not know the identity of any of the occupants of the car driven by Mr. King at the time Defendant Jackson fired his service weapon through the window of the vehicle, shooting Mr. King in the face.

26.

The only potential reason Defendant Jackson would have had to pull over the vehicle driven by Mr. King was that the car had a dealer drive out tag.

27.

Defendant Jackson was aware that driving with an improper tag is a misdemeanor,

traffic violation.

28.

Neither Mr. King, nor anyone in the vehicle, committed any act or acted in any manner that would have caused Defendant Jackson to reasonably believe that they posed an immediate threat of physical violence to Defendant Jackson or others.

29.

Defendant Jackson was aware that the use of deadly force, under these circumstances, was objectively unreasonable, illegal, excessive and in violation of the U.S. Constitution, Federal law and State law.

30.

Because Defendant Jackson had no reason to believe that Mr. King, or anyone in the vehicle posed an immediate threat of danger or violence, or possessed a dangerous weapon, Defendant Jackson violated the United States Constitutional when he improperly used excessive deadly force by shooting Mr. King.

31.

Prior to Defendant Jackson exiting his vehicle with his gun drawn, he had no probable cause to believe that the occupants had committed any felonies.

32.

Prior to Defendant Jackson exiting his vehicle with his gun drawn, he had no articulable suspicion to believe that the occupants had committed any felonies.

33.

At no time prior to shooting Mr. King did Defendant Jackson witness Mr. King commit any felonies.

34.

At no time prior to shooting Mr. King did Defendant Jackson have any articulable suspicion to believe that Mr. King had committed any felonies.

35.

Mr. King was unarmed when Defendant Jackson shot through the glass of the driver's side window of Mr. King's vehicle, causing serious personal injuries to Mr. King.

36.

After going through the glass window, the bullet entered through Mr. King's left cheek and shattered his left jawbone. The bullet then penetrated through the base of his tongue, causing large lacerations on both the lateral and inferior aspect of his tongue. The bullet then went through his right jawbone.

37.

The injuries suffered by Mr. King were life threatening and included multiple displaced fractures of Mr. King's jaw, which required multiple surgeries and the placement of an Erich Arch Bar, (an external fixator), on the outside of Mr. King's face, which was attached with screws into his head. Mr. King was required to have the fixator attached to his face and head for more than a year.

38.

During the medical process, Mr. King's mouth was wired closed to assist in the healing process. As such, he was unable to eat. While he had been on a feeding tube, after one of his surgeries, the feeding tube could not be passed. A surgical G-tube was surgically put in place during a procedure called an Open Stamm Gastrostomy. This surgical procedure was performed under general anesthesia, and involved inserting a feeding tube through his side, directly into his stomach.

39.

As a result of Defendant Jackson's wrongful conduct, Mr. King suffered serious and permanent personal injuries and disfigurement. Mr. King has endured and continues to endure immense pain and suffering, has undergone and continues to undergo surgical procedures and has incurred medical expenses in excess of Five

Hundred Ten Thousand Dollars (\$510,000.00).

COUNT II.

40.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

41.

Defendant Jackson, in violation of the Constitution, including but not limited to the Fourth Amendment, unlawfully, intentionally and without justification used illegal and unnecessary deadly force when he shot an unarmed Mr. King in the face.

42.

Defendant Jackson's actions were committed under color of law and during the course and scope of his employment with the City of Atlanta Police Department.

43.

The illegal use of excessive force by Defendant Jackson, including but not limited to his shooting of unarmed Mr. King, violated Mr. King's rights under the Fourth and Fourteenth Amendments to the United States Constitution, made applicable to state actors pursuant to 42 U.S.C. § 1983.

44.

Prior to shooting Mr. King, Defendant Jackson was aware, or should have been aware, that the use of excessive deadly force by a peace officer is considered an unlawful seizure of a person under the U.S. Constitution and U.S. Supreme Court case law.

45.

Prior to shooting Mr. King, Defendant Jackson was aware, or should have been aware, that all people in the United States are protected from unreasonable governmental seizures through protections afforded by the U.S. Constitution, U.S. Supreme Court case law and Georgia law.

46.

The unlawful actions of Defendant Jackson, and the use of improper procedures and excessive deadly force against Mr. King, were conducted under the color of state law by Defendant Jackson acting within the scope of his employment as a Police Officer with the City of Atlanta Police Department.

COUNT III

47.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated

verbatim herein.

48.

Defendant Jackson's shooting of Will King was under criminal investigation by the Fulton County District Attorney's Office for almost two (2) years.

49.

An accusation was drawn on March 17, 2015, charging Defendant Jackson with aggravated battery and aggravated assault, in violation of O.C.G.A. §§ 16-5-24 and 16-5-21. (A certified copy of the Accusation is attached hereto as Exhibit "B")

50.

Count 1 of the allegations of the Accusation states in part: "...Kylema Jackson ... on the 4th day of April 2013, did maliciously cause bodily harm to Will King by rendering his left mandible, right mandible and tongue useless by shooting the face of Will King with his service weapon." (Exhibit "B" P.2, Ct.1)

51.

Count 2 of the allegations of the Accusation states in part: "... Kylema Jackson ... on the 4th day of April, 2013, did unlawfully commit an aggravated assault upon the person of Will King by pointing a handgun (an object which, when used offensively against a person is likely to result in serious bodily injury) at Will King

without legal authority, thereby placing Will King in reasonable apprehension on immediately receiving serious bodily injury.” (Exhibit “B”, P.2, Ct.2)

COUNT IV

52.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

53.

Defendant Jackson entered a negotiated plea of guilty to the offenses of Simple Battery O.C.G.A. §16-5-23, and Reckless Conduct, O.C.G.A. §16-5-60. (See, Exhibit “B”, P.1).

54.

The offense of Simple Battery under O.C.G.A. §16-5-23 (a), is committed when a person either: (1) Intentionally makes physical contact of an insulting or provoking nature with the person of another; or (2) Intentionally causes physical harm to another.

55.

The offense of Reckless Conduct under O.C.G.A. §16-5-60 (b) is committed when a person who causes bodily harm to or endangers the bodily safety of another

person by consciously disregarding a substantial and unjustifiable risk that his act or omission will cause harm or endanger the safety of the other person and the disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation is guilty of a misdemeanor.

COUNT V

56.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

57.

Defendant Jackson has been a police officer for The City of Atlanta since July, 2002.

58.

During his employment with The City of Atlanta Police Department (hereinafter “APD”), Defendant Jackson has received no less than twelve (12) formal citizen complaints, alleging maltreatment and unnecessary use of force.

59.

The complaints contained in Defendant Jackson’s APD file, cited herein, dating

back to 2004 are supported by no less than twenty-five (25) witnesses including seven (7) APD Supervisors, one (1) APD officer, one (1) off duty police officer and one (1) other APD co-employee.

60.

Prior to shooting Mr. King on April 4, 2013, Defendant Jackson had been investigated, and minimally, if at all, “punished”, by the City of Atlanta Police Department for unnecessary use of force. The APD had a routine practice of characterizing threats of violence, including those with a handgun, as “courtesy” issues, rather than instances of excessive use of force. The “discipline” or “punishment” which the APD decided to mete out was minimal and, on more than one occasion even the minimal punishment planned was reduced or withdrawn entirely, which had the effect of teaching APD officers including Defendant Jackson, that unconstitutional excessive force was permissible

61.

By way of further illustration of the City’s policy of condoning excessive force, the City sustained an unnecessary use of force complaint against Defendant Jackson approximately fifteen (15) days before he shot Mr. King, but took no action to prevent the further use of excessive force by Jackson against the public.

[17]

62.

Despite Defendant Jackson's history of unnecessary force complaints, and the numerous complaints from law enforcement and citizens about Defendant Jackson's actions, the City continued to employ him as a police officer and did not suspend, discipline, relocate him to another department where the public would be less exposed to him or even ask him to surrender his firearm. Through its actions, and inactions, the City of Atlanta established a process or custom that allowed and encouraged Defendant Jackson to continue to illegally use excessive force, culminating in the unlawful shooting of Will King.

COUNT VI

63.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

64.

Defendant City of Atlanta was aware as early as 2004 that Defendant Jackson was willing to use unnecessary force by using his service weapon, as a citizen complained that he threatened to use his weapon during a traffic stop.

65.

A female citizen/victim complained to APD about Defendant Jackson's conduct during an incident when Jackson alleged that he pulled her over for not wearing a seatbelt. But according to the APD file, the incident began when Jackson commanded the citizen to pull her car forward, past her own driveway when Jackson was not in the course of pulling her over for anything. (OPS investigation #04-C-0335-CTSY, See Exhibit "C")

66.

When the citizen tried to explain she was trying to turn into her own driveway and Jackson was forcing her past it, Jackson jumped out of his car and told her "You are not going to be out here showing out on me." Id.

67.

She presented her driver's license and insurance card to Defendant Jackson, who took it back to his patrol car. Jackson then wrote her tickets for not wearing her seat belt along with a ticket for a cracked windshield, which he only noticed when he was beside her car.

68.

According to the victim and two witnesses, whose statements are contained in the

APD investigative file, Defendant Jackson at one point told her “Get back in the car n**ger before I lock your n**ger ass up.” Id. (See also corroborating witness statements Tillman, attached as Exhibit “D” and Slaughter attached as Exhibit “E”)

69.

Defendant Jackson then slammed the woman’s car door, breaking the window.

70.

According to the statements contained in the APD investigative file, during his encounter with the citizen, Defendant Jackson put his hand on his gun and unhooked his holster, threateningly, as if was going to pull it on the victim. (OPS investigation #04-C-0335-CTSY, See Exhibits “C”, “D” and “E”)

71.

APD was aware, as shown in its own investigative records, the Defendant Jackson, during a routine traffic stop and without cause, placed his hand on his gun and unfastened his holster, in an aggressive and threatening manner. Id.

72.

APD was, and is, aware that the use of excessive force during an encounter with a citizen, invokes the Fourth Amendment “objective reasonableness” standard and that Defendant Jackson violated that standard and the constitutional rights of the

citizen /victim.

73.

APD investigated, failed to discipline or instruct him on the use of force continuum and instead, characterized this incident as a “lack of courtesy” and gave Defendant Jackson only an oral admonition. (OPS investigation #04-C-0335-CTSY, See Exhibit “F”)

COUNT VII

74.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

75.

In 2005, Defendant Jackson was instructed by a supervisor to walk a foot beat with another officer.

76.

According to APD records, Defendant Jackson responded that “[I] don’t walk foot beats, it goes against [my] principles and [my] manhood.” (OPS investigation #05-1-0378-SOP, See, Memo from Sgt. Mills, attached hereto as Exhibit “G”)

77.

Defendant Jackson also advised the supervisor that he had been authorized not to work with a particular officer. Id. at P.1.

78.

During the investigative interview regarding the charge of job abandonment, Defendant Jackson was interviewed by a Sergeant, who at the time had been a front line supervisor since 1993. Another Sergeant was also present for the interview. Id. at P.1, 2.

79.

The interviewing Sergeant opined in his report that Defendant Jackson was mentally unstable. Id. at P.1.

80.

Also in his report, the interviewing Sergeant wondered, if Defendant Jackson was as unstable as he appeared, if he should be worried about his personal safety and the safety of other employees. Id. at P.1, 2.

81.

The interviewing Sergeant stated in his report that he had *never* previously encountered an employee who behaved like Defendant Jackson, and made him fear

for his life. Id. at P. 2.

82.

The interviewing Sergeant observed that Defendant Jackson refused to look him in the eye, but instead stared off into space as though he was talking with someone above him. Id. at P. 2.

83.

When asked if he was going to continue to refuse to work the assignment and disobey a direct order, Defendant Jackson said nothing, and continued to gaze into space. Id. at P. 2.

84.

Defendant Jackson was told to clock out and go home.

85.

According to the report, after Defendant Jackson had left the building, both APD Sergeants discussed Defendant Jackson's "bizarre" behavior and their concern that he might reach for his weapon and use it. Id. at P. 2.

86.

The report stated that one Sergeant was so concerned about Defendant Jackson's behavior, that he actually became aware that he was not wearing his bullet proof

vest, and “subconsciously” placed his hand on his weapon. Id. at P. 2.

87.

In his report, the interviewing Sergeant opined that Defendant Jackson displayed a “gross disregard for the authority of the rules of the Department.” Id.

88.

The interviewing Sergeant opined that Defendant Jackson “clearly exhibited behavior indicative of psychological and/or emotional impairment.” Id.

89.

The interviewing Sergeant then requested Defendant Jackson be relieved of duty and scheduled a psychiatric evaluation.

90.

Defendant Jackson was relieved of duty briefly on 5/25/2005 and surrendered his weapon, magazines, ammo, ID and badge, but the APD would soon return him to the force and return his weapon to him, despite the alarming concern expressed by two APD Supervisors about his evident instability and potential to harm others with his firearm.

91.

As part of the investigation, a supervising Sergeant Cotter testified that he “... did

not ever give Officer Jackson any information that would lead him to believe that he did not have to work a foot beat and/or work with [another officer].” (OPS investigation #05-1-0378-SOP, See, Memo from Sgt. Cotter, attached hereto as Exhibit “H”)

92.

Despite the “bizarre” behavior and fear for their lives and safety of other employees, the APD sustained rule violations against Defendant Jackson of Failure to Obey Supervisory Personnel and Truthfulness. (OPS investigation #05-1-0378-SOP, See, Exhibit “T”)

93.

Defendant Jackson was reinstated by APD for full duty on 7/14/2005, fully armed and without any instruction on use of force, probationary period to address the concerns about potential armed violence or reassignment to an unarmed position or one where Jackson would not come into contact with the public.

COUNT VIII

94.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

95.

In November 2005, Defendant Jackson, on his own volition, approached a group of motorcycle riders at a BP station at 448 Boulevard in Atlanta. The store manager had not complained about the riders' brief presence there, nor had any citizen or motorist.

96.

The motorcyclists, members of a social riding group, were gathering to take photos at a near-by park. They had committed no crime whatsoever, had not impeded traffic or caused any reason for concern.

97.

Unbeknownst to Defendant Jackson, one of the members of the riding group was an off duty police officer.

98.

Defendant Jackson pulled into the BP Station and according to members of the group, began cursing at them and demanding they exit the premises.

99.

Even though they were attempting to leave, Defendant Jackson pulled his service weapon in a hostile and intimidating manner.

[26]

100.

Eight (8) of the participants, including the off duty officer, filed complaints against Defendant Jackson. (OPS investigation #05-C-0870-MISC, See, Exhibit “J”)

101.

According to the off duty officer, Autumn McCollum, in her written statement to APD, when Defendant Jackson demanded everyone leave the premises, they promptly began putting on their riding gear in order to leave. Id. at P. 1.

102.

In an effort to assuage Jackson, who was being unnecessarily and increasingly belligerent, one of the members began to explain to him that it takes a few minutes to put on the gear, she observed Defendant Jackson un-holster his weapon and put it down by his side, using it to intimidate everyone. Id.

103.

In her opinion, the situation never escalated so as to justify Jackson’s show of deadly force. Id.

104.

It was her opinion that Jackson’s use of his weapon was uncalled for and

disproportionate to the encounter. She opined, "...being a police officer [herself], that the officer on scene did not use the appropriate level of force." Id. at P. 2.

105.

She further opined that Defendant Jackson needed to receive "counseling on use of force. Id. at P. 1.

106.

Another complaining witness who provided a written statement to the APD stated in part that Defendant Jackson "... began yelling for everyone to get the f*ck out of [there], and put his hand on his gun. (OPS investigation #05-1-0378-SOP, Exhibit "K")

107.

She stated that Defendant Jackson then pulled his gun out as he continued to yell, "with his hand shaking." He also "looked very distraught." Id.

108.

She then called 911 and was told to wait for a supervisor.

109.

Defendant Jackson approached the witness and asked if she was waiting on something. She informed him that the 911 dispatcher told her to wait for his

supervisor.

110.

Defendant Jackson placed his hand back on his weapon and told her that the supervisor was going to tell her the same thing. Id.

111.

Another witness provided a written account that stated in part that Defendant Jackson jumped out of his car and aggressively approached the group, yelling profanities and pulled his weapon on them *without reason*. (OPS investigation #05-1-0378-SOP, See, Exhibit “L”)

112.

Defendant Jackson continued to yell profanities at her in the parking lot and he was extremely threatening to the entire group without cause. Id.

113.

Another witness submitted a written account and stated that Defendant Jackson exited his vehicle and began using profanity towards them. (OPS investigation #05-1-0378-SOP, See, Memo from Sgt. Mills, attached hereto as Exhibit “M”)

114.

Defendant Jackson “pulled out his gun and continue[d] to use profanity at [them].”

Id.

115.

Another witness submitted her written statement to the APD in the investigation of this matter. Like the other witnesses, she said Defendant Jackson told them to leave and then began cursing at them, “used the F word” and “pulled out his gun trying to scare [them].” (OPS investigation #05-1-0378-SOP, See, Exhibit “N”)

116.

She opined that Defendant Jackson needed to take an anger management class. Id.

117.

Once again, a law enforcement officer and citizens filed formal complaints about Jackson’s excessive use of force, lack of training in use of force and his unusual hostility and anger toward the public. Once again, the complaints involved his excessive and unlawful use of a handgun to threaten citizens. Despite the complaints and statements provided by the victim/witnesses, the APD again characterized the issue as one involving “courtesy” when it clearly involved an excessive use of force. The APD sustained a “courtesy” violation, but despite eight (8) witnesses, including an off duty police officer, it later changed the status to “exonerated”. (OPS investigation #05-1-0378-SOP, See, Exhibit “O”)

118.

APD was, and is, aware that Defendant Jackson's use of excessive force during the encounter with this group, violated the Fourth Amendment "objective reasonableness" standard and the constitutional rights of each member of the group.

119.

The APD and City's failure to meaningfully address Defendant Jackson's use of excessive unconstitutional force with the motorist at a routine traffic stop and with the group at the BP, show a custom and practice of the APD ratifying and encouraging the use of illegal excessive force against citizens.

COUNT IX

120.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

121.

On August 28, 2007, Defendant Jackson was working at the area of Lakewood Amphitheater and again acted in a hostile and aggressive manner toward a fellow

APD officer and two Georgia State Troopers, so as to cause yet another complaint to be made against Jackson with the APD.

122.

An APD officer was working off duty security at the Lakewood Amphitheater.

123.

Two uniformed Georgia State Patrol Troopers were also working at Lakewood Amphitheater.

124.

According to the complaining APD officer, Defendant Jackson aggressively injected himself into a situation in which his involvement was neither requested nor warranted and then became “irate” toward both citizens and law enforcement.

125.

The off duty officer stated that traffic was not obstructed or impeded in any way as cars waited for the Amphitheater gate to open. Yet Jackson began ranting at the crowd about tickets and towing and at the fellow officers about what they were doing wrong and how he didn’t care who they were. His fellow APD Officer asked Defendant Jackson to calm down, as he was raising his voice to her and the crowd. The GSP Troopers present also observed Defendant Jackson’s behavior.

126.

Once the gates to the Amphitheatre opened, Defendant Jackson entered in his patrol vehicle with blue lights flashing, and in a show of belligerence and unnecessary exertion of force, blocked the northbound traffic.

127.

One of the GSP Troopers approached Defendant Jackson's patrol car asking him when he was going to move his vehicle for the traffic.

128.

Defendant Jackson argued with the GSP Trooper and responded angrily that he would move "when he got ready to move."

129.

The GSP Trooper, recognizing Jackson unreasonably hostile and aggressive demeanor, walked away from the vehicle to deescalate the confrontation.

130.

The off duty APD officer filed a complaint with APD against Defendant Jackson. (OPS investigation #07-I-0535-MISC, See, Exhibit "P")

131.

[33]

In his statement to the investigator, Defendant Jackson stated that he saw the GSP Trooper had a “Chevron on his sleeve,” meaning he was aware that the Trooper had a high rank with the State Patrol when he acted irate, angry and disrespectfully toward him.

132.

The APD investigation once again failed to result in meaningful discipline or training of Defendant Jackson. He was not counseled on his aggressive behavior or unnecessary exertion of force

133.

The APD Investigative Procedure, Policy or Training Recommendations stated as follows:

“The attendance of a sensitivity course by Officer Jackson might assist him, when dealing with citizens and other law enforcement. This has not been the first instance in which a complaint has been received about Office Jackson’s attitude and courtesy toward others. ***Without some form of training, this type of situation will continue, and cause unforeseen problems for the department and Officer Jackson.***” (Emphasis Added) (OPS investigation #07-I-0535-MISC, See, Exhibit “Q”)

134.

The APD and City were aware that there was credible evidence and professional complaints from multiple individuals levied against Defendant Jackson regarding his unconstitutional use of excessive force; their own supervising Sergeants opined that Defendant Jackson's conduct caused them to be concerned whether he would use his weapon against them or others; and with the Lakewood incident again acknowledged that he needed (at least) training, or Jackson would continue to cause unforeseen problems for the APD and himself, yet nothing meaningful was done.

135.

Once again, Defendant Jackson's irate temper and aggressive behavior directed at other law enforcement officers was characterized by APD as a "courtesy" issue. (OPS investigation #07-I-0535-MISC, See, Exhibit "R") The City failed to discipline him despite having previously pulled his weapon on an off-duty officer and others and angrily arguing with and aggressively shouting at three (3) other law enforcement officers. With his attitude and behavior towards them and a failure to discipline or train, the City knew or should have known that his behavior

toward the non-law enforcement members of the public would be at least as bad, but more likely worse.

COUNT X

136.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

137.

On February 6, 2008, Defendant Jackson was charged with sending an angry and profane message to a co-employee on more than one occasion. (OPS investigation #08-I-0067-CTSY, See, Exhibit “S”) The event involved a female APD dispatcher who tried, unsuccessfully for a significant time to raise Jackson on his radio (99 minutes). When Jackson finally responded to her, he shouted at her. She sent him a message telling him that there was no reason to be so nasty to her; Jackson texted her to “GO TO H#@L B#@CH.”

138.

When confronted with the indisputable evidence against him, Defendant Jackson was forced to admit to having sent the messages. (OPS investigation #08-I-0067-CTSY, See, Exhibit “T”)

The Procedure, Policy or Training Recommendations found that:

It would be wise to place Officer Jackson on Early warning at this time and monitor any future incidents. In addition to this, possibly sending Officer Jackson for a psychiatric evaluation would be beneficial to find out if there is anything that is troubling him and affecting his work performance. Lastly, **with the increased number of complaints that Officer Jackson has received since August 2007, a possible change in assignment to were (sic) Officer Jackson has minimum contact with the public would benefit the department and Officer Jackson** until it can be determined if there is an underlying problem. (Property Section of Central Records are some suggestions.) (Emphasis Added) (OPS investigation #08-I-0067-CTSY, See, Exhibit “U”)

In his recommendation, the investigating Sergeant stated: **“the fact that Officer Jackson makes these blatant violations of Standard Operating Procedures is a sign of Officer Jackson’s obvious unconcern with the position he holds.”** (Emphasis Added.) (OPS investigation #08-I-0067-CTSY, See, Exhibit “V”)

141.

No records in OPS investigation #08-I-0067-CTSY indicated that Defendant Jackson ever received another psychiatric evaluation or was assigned, as APD itself had recommended, to a department which would minimize his exposure to the public or other officers.

142.

The APD and City of Atlanta was aware that there was credible evidence and professional complaints from multiple individuals levied against Defendant Jackson regarding his unconstitutional use of excessive force; their own supervising Sergeants opined that Defendant Jackson caused them to be concerned whether he would use his weapon against them or other employees; during the Lakewood incident investigation the APD again acknowledged that he needed (at least) training, or situations would continue and cause unforeseen problems for the department and Officer Jackson. During the profane message investigation, another psychiatric evaluation was urged. His inability to work peacefully with other employees and officers as well as his inability to interact with the public was again recognized. Yet, the APD did nothing meaningful to avert further unconstitutional

conduct and angry, violent interactions by Jackson

143.

APD's continued inaction had the effect of condoning Jackson's behavior and through its inaction to correct his behavior, remove him from the department, or place him in a department with minimal human contact, established the custom that his unconstitutional, violent and unreasonably aggressive anti-social behavior could continue.

COUNT XI

144.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

145.

Later in 2008, Defendant Jackson arrested a man for drinking in public. The man filed a complaint against Defendant Jackson alleging that Defendant Jackson sprayed him with pepper spray and punched him without cause. (OPS investigation #08-C-0359-UAF, See, Exhibit "W")

146.

Defendant Jackson transported the man to a "road block" for transportation to jail.

147.

The investigation revealed that the “road block” was approximately .58 miles from the location of arrest and that it should have taken less than 2 minutes to transport the man. (OPS investigation #08-C-0359-UAF, See, Exhibit “X”)

148.

Defendant Jackson took 40 minutes to get the man to the “road block” and additional 10 minutes before he informed the officer at the “road block” that he had sprayed the victim with pepper spray. (See Statement of APD Officer Sergeant Hewitt, Exhibit “Y”)

149.

According to the investigative statement provided by Sergeant Hewitt, Defendant Jackson told him at the “road block” that the reason he did not call for medical assistance for the man after beating and pepper spraying him was because he **“wanted to teach [the victim] a lesson.”** (Emphasis Added) Id. at P. 3.

150.

The APD investigative findings were that Defendant Jackson had done this same type of incident in the past, and recommended counseling. (OPS investigation #08-

C-0359-UAF, See, Exhibit “Z”)

151.

Despite the APD and City’s knowledge of prior unnecessary use of force and excessive force complaints that were supported by ample credible witnesses and evidence; two (2) recommendations for psychiatric evaluation (one had been performed years earlier, the second recommended in the same year as this investigation was never performed), complaints from APD officers, other officers and co-employees, and the acknowledgement and recommendation that Defendant Jackson be moved to a department with little to no exposure to the public, he was still on patrol for the APD using excessive force, and intentionally delaying medical treatment for the victim of the force (pepper spray) and the APD and City, in violation of the rights of the victim and the constitution.

152.

Defendant Jackson violated the victim’s constitutional rights by unreasonably intentionally delaying medical treatment to him after Jackson pepper sprayed him to “teach him a lesson.” (See Statement of APD Officer Sergeant Hewitt, Exhibit “Y”, at P. 3.) The APD policies recognized a person who had been pepper sprayed was has a serious medical need and should be transported for medical treatment

immediately.

153.

Defendant Jackson's intentional delay of medical treatment to "teach [the victim] a lesson" demonstrates Jackson's deliberate indifference to the medical needs of the victim and is a violation of the victim's constitutional rights.

154.

Defendant Jackson was charged with the knowledge that unreasonably delaying medical treatment to an arrestee is a violation of the arrestee's constitutional rights.

155.

The City of Atlanta and APD were aware that unreasonably delaying medical treatment to an arrestee is a violation of the arrestee's constitutional rights.

156.

Despite Defendant Jackson's admission to Sergeant Hewitt that he delayed medical treatment to "teach [the victim] a lesson", and with the knowledge that Defendant Jackson intentionally and with deliberate indifference delayed medical treatment to the arrestee, the City and the APD, did not sustain the Maltreatment or Unnecessary Force complaint, but sustained only a Reporting Required When Force Used complaint and recommended a mere one (1) day suspension. Again,

the APD did not train or discipline Jackson regarding his excessive use of force. Instead, that found that he had merely neglected to report a use of force when required. This necessarily taught Jackson that the excessive use of force and unconstitutional conduct to “teach a lesson” to citizens was acceptable.

157.

The APD ignored at least three (3) unnecessary force claims involving the use of weapons lodged against Defendant Jackson, with no reprimand, punishment, training or dismissal related to the excessive force. APD’s continued inaction condoned Jackson’s anti-social behavior and through its inaction to correct his behavior, remove him from the department, or place him in a department with minimal human contact, established the custom that his unreasonably aggressive behavior and dangerous unconstitutional activities could continue.

COUNT XII

158.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

159.

In November of 2012, Defendant Jackson had taken an unauthorized job as a

“courtesy officer” at an apartment complex.

160.

Defendant Jackson was accused of using unnecessary force when he grabbed a blind tenant’s granddaughter to remove her from the property, when she was lawfully there to assist her grandmother. (OPS investigation #12-C-00811-UAF, See, Exhibit “AA”)

161.

The investigative report included that Defendant Jackson had bruised the granddaughter’s arm when he forced her from the complex, on foot, in the rain. Id. P. 2.

162.

When the girl’s mother arrived at the apartment complex, she found her daughter outside in the rain. Id.

163.

The girl and her mother went to Defendant Jackson’s apartment to discuss the event. Id.

164.

Defendant Jackson came to the door with a handgun in his hand, wearing only a T-

shirt and boxer shorts. Id.

165.

The girl's mother call 911 for assistance. Id. at P. 5.

166.

Over five (5) months after the complaint was made, the APD investigation sustained this complaint of Maltreatment or Unnecessary Force and Reporting Required When Force Used. Id. at P.1.

167.

Significantly, the investigative report itself demonstrated that Jackson had ineffective use of force training. It indicated that Defendant Jackson did not even understand that grabbing a person was use of force. (OPS investigation #08-C-0359-UAF, See, Exhibit "BB")

168.

The APD sustained this unnecessary force claim against Defendant Jackson some fifteen (15) days prior to him shooting Will King. (OPS investigation #08-C-0359-UAF, See, Exhibit "AA"). Yet, with Jackson's extensive history of the unconstitutional use of excessive force; the concerns expressed by numerous police officers, including supervisors, about his mental instability, potential for harm and

need for additional psychiatric intervention; the several recommendations that he be trained and counseled on use of force; the recommendations that he be placed in an APD department with minimal human contact; and the revelation in Jackson's own words that he did not possess even a rudimentary understanding of the use of force continuum, the APD and City did nothing. Jackson was still inadequately trained in use of force, had not undergone an APD recommended psychiatric evaluation, was armed with an APD handgun and was still in a position with extensive human contact and exposure to the public when he unjustifiably shot Will King.

COUNT XIII

169.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

170.

The City of Atlanta is responsible for the formulation of departmental policies, to ensure that rules and regulations, and all general and special orders are understood and enforced.

171.

The City of Atlanta is responsible for the formulation, adoption, and implementation of such policies as are necessary to ensure that persons are not allowed to assume the authority of a City of Atlanta Police Officer, if such persons are predisposed to generalized violence, unnecessary force, and violence against unarmed persons.

172.

The City of Atlanta knowingly, recklessly, and with gross negligence failed to adopt and carry out adequate and responsible policies necessary to instruct, supervise, control and discipline Defendant Jackson in his duties to refrain from:

- (1) Unlawfully and maliciously employing excessive and unnecessary force against citizens when there is no immediate threat to the lives or safety of officers or others;
- (2) Unlawfully and maliciously employing excessive and unnecessary force against citizens when there is no articulable suspicion to believe such citizens have committed felonies;
- (3) Unlawfully and maliciously employing excessive and unnecessary force against citizens before, during, or after the making of a stop or an arrest,

whether the stop or arrest was lawful or unlawful;

(4) Violating the rights, privileges, and immunities guaranteed to Mr. King by the Constitution and laws of the United States and the State of Georgia; and

(5) Otherwise depriving Will King of constitutional rights, privileges and immunities.

173.

If Defendant City of Atlanta had properly discharged said duties, Defendant Jackson would not have been hired, retained, or inadequately trained by the City of Atlanta Police Department, and Defendant Jackson would not have been able to use unnecessary excessive deadly force to shoot and seriously injury Mr. King, and cause his injuries and damages.

174.

As a direct and proximate result of the breach of said duties, Mr. King has and continues to suffer from serious and permanent disfiguring personal injuries, has and continues to endure immense pain and suffering, and has incurred and continues to incur enormous medical expenses and other general damages alleged and prayed for herein.

COUNT XII

175.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

176.

The Defendant City of Atlanta's implementation of the customs, policies and official acts caused the violation of Mr. King's constitutional rights, and reflects its deliberate indifference to the constitutional rights afforded to Mr. King. Such policy, custom, and official acts include, but are not limited to, the following:

(a) Defendant City of Atlanta, its agents and employees, deliberate choice of a grossly inadequate training program, including but not limited to the use of unnecessary deadly force, condones and facilitates officers' misconduct, which continues to lead to the violation of the public's constitutional rights;

(b) Officers, including Defendant Jackson, employed by the City of Atlanta, during the performance of official police duties, violate the constitutional rights of suspects such that the need for further training, control and supervision is and has been plainly obvious to the Atlanta Police Department, who nonetheless is and

have been deliberately indifferent to such needs and whose lack of concern about the resulting constitutional violation tacitly authorize, encourage and foster unconstitutional conduct;

(c) Defendant City of Atlanta, through its agents and employees, were on notice of prior unconstitutional behavior by its officers, including Defendant Jackson, yet failed to take proper remedial steps, had no meaningful policies or procedures in place, and thereby manifested deliberate indifference to the offensive acts and to the constitutional rights of the public, including Mr. King's, by acts and omissions including but not limited to use of unnecessary deadly force;

(d) Defendant City of Atlanta through its agents and employees improperly retained Defendant Jackson despite his use of, and pre-disposition to, excessive, unnecessary, and/or unjustifiable use of deadly force;

(e) Ignoring and/or allowing the custom, practice and/or policy of using unjustifiable force, including deadly force;

(f) Such other customs, policies, practices, or official acts which will be learned and proven during discovery.

177.

Defendant City of Atlanta manifested deliberate indifference to the rights of

suspects such as Mr. King by failing to take actions to correct constitutionally violative conduct by City of Atlanta Police Officers, of which they were aware was being used by officers, including Defendant Jackson.

178.

As a direct and proximate result of the unconstitutional acts of the Defendants, Mr. King suffered serious, permanent, and disfiguring personal injuries, endured and is enduring immense pain and suffering, and incurred and continues to incur medical expenses in excess of \$510,000.00 for which he makes claim, in addition to other damages alleged and prayed for herein.

COUNT XII

STATE TORT CLAIMS

179

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

180.

In addition to the Constitutional and Federal claims set forth above, and restated herein verbatim, Plaintiff asserts claims arising out of violation of Georgia law.

181.

Defendant Jackson unlawfully, intentionally battered and unjustifiably used excessive deadly force against Mr. King, who was unarmed, when Defendant Jackson shot him in the face, causing serious and permanent personal injuries, disfigurement, and immense pain and suffering of Mr. King, along with his medical expenses.

182.

Defendant Jackson's actions were committed during the course and scope of his employment with the City of Atlanta Police Department.

183.

Defendant Jackson's unreasonable and unjustifiable use of deadly force by shooting an unarmed Mr. King was a direct and proximate cause of the injuries and damages suffered by Mr. King.

184.

Defendant Jackson's unlawful actions include but is not limited to:

- (1) excessive use of force;
- (2) failure to adhere to use of force policies;
- (3) failure to adhere to policies and/or procedures regarding the use of

deadly force;

- (4) failure to adhere to policies and/or procedures regarding the use of deadly force for potential misdemeanor offenses;
- (5) unlawful use of force;
- (6) unlawful discharge of a firearm;
- (7) assault and battery; and
- (8) violation of O.C.G.A. § 14-4-20 (b) which provides in part as follows:

[P]eace officers ... may use deadly force to apprehend a suspected felon *only* when the officer *reasonably believes that the suspect possesses a deadly weapon* or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer *reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others*; or when *there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.*

(Emphasis Added)

185.

The Defendant City of Atlanta improperly hired and trained Defendant Jackson, negligently retained him, which resulted in the illegal and unnecessary use of

deadly force against Mr. King, which caused his serious personal injuries and damages.

186.

The Defendant City of Atlanta failed to implement and/or adhere to policies and procedures, including but not limited to the following:

- (a) the use of deadly force;
- (b) the use of deadly force against misdemeanor suspects;
- (c) unreasonable searches and seizures, and;
- (d) other customs, policies and procedures that will be discovered during the course of this case.

COUNT XIV

DAMAGES

187.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

188.

As a result of the Defendants' joint and several wrongful conduct under the U.S. Constitution, Federal and State law, Mr. King suffered serious permanent personal

injuries, permanent disfigurement, has and continues to endure immense pain and suffering, including but not limited to past, present and future mental and physical pain and suffering, disruption of normal life and diminution in the enjoyment of life, and has incurred damages and medical expenses in excess of \$510,000.00 in part as set forth as follows:

Provider	Description	Dates of Service	Amount
S. Fulton Hospital	Initial ER Treatment	4/04/13	\$ T.B.D.
S. Fulton ER Physicians	ER doctors	4/04/13	\$1,702.00 \$726.00
Radisphere	Radiology	4/04/13	\$82.00
EMS Ventures	Transport AMC	4/04/13	\$2,084.00
Atlanta Medical Center	Surgeries	4/4-5/01/13 5/22-5/24/13	\$373,411.98 \$23,164.80
Dr. Work	Surgeon	7/02/13- 5/02/14	\$79,625.00
AMC ER Physicians	ER doctors	4/04/13	\$1,491.00
Atlanta Pathology	Pathology	4/04-4/17/13	\$90.00 \$895.00
N. Lake Anesthesiology	Anesthesiology	4/04/13 4/13/13 4/18/13	\$1,472.00 \$6,164.00 \$1,012.00
Diagnostic Imaging	Radiology	4/04-5/23/13	\$1,747.00
Dr. Stephenson	Surgeon	4/5-4/14/13	\$13,177.00
Grady Healthcare	Medical Care	5/16/13 5/20/13	\$3,615.60 \$384.00
Past Medical Expenses from Shooting			\$510,843.38

Mr. King will be required to undergo several more surgical procedures, and his special damages will increase.

COUNT XV
PUNITIVE DAMAGES

189.

Plaintiff incorporates by reference all of the preceding paragraphs, as if stated verbatim herein.

190.

Defendant Jackson's actions on, or about, April 4, 2013, including but not limited to using unnecessary deadly force by shooting an unarmed Mr. King in the face, for no reason, warrant the imposition of punitive damages to punish and deter said Defendant, for his willful misconduct, malice, wantonness, oppression, and conscious and deliberate indifference to the consequences of Defendant's actions.

191.

As set out in the foregoing paragraphs which have been incorporated by reference, aggravating circumstances exist in this action which involves Defendant Jackson's unconstitutional and unlawful shooting of Will King, such that an award of punitive damages is necessary to punish, penalize or deter Defendant Jackson from

future like conduct.

192.

Pursuant to O.C.G.A. § 51-12-5.1., Plaintiff, Will King, specifically prays for and seeks an award of punitive damages against Defendant Jackson for Jackson's willful, wanton, oppressive and intentional conduct.

193.

Clear and convincing evidence exists that Defendant Jackson's actions amounted to willful misconduct, malice, wantonness, oppression or that entire want of care which would raise the presumption of conscious indifference to the consequences of his actions.

194.

Defendant Jackson acted, or failed to act, with the specific intent to cause harm in the unlawful and unconstitutional shooting of Will King, such that there is no limitation regarding the amount which may be awarded as punitive damages against Defendant Jackson.

195.

Plaintiff is entitled to recover punitive damages from Defendant Jackson, in his individual capacity, in an amount to be determined by the enlightened conscience

of the jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays:

- (a) That process issue in this action;
- (b) That Plaintiff be granted a trial by jury on issue so triable;
- (c) That judgment be entered in favor of Plaintiff and against the

Defendants jointly and severally, in an amount to be determined by the enlightened conscience of a jury as will fully and adequately compensate Plaintiff for the violation of his constitutional rights, and the personal injuries, pain and suffering including but not limited to his past, present and future mental and physical pain and suffering, shock, fright, worry, disfigurement, disruption of normal life and diminution in the enjoyment of life;

(d) That judgment be entered in favor of Plaintiff and against the Defendants jointly and severally, for the medical expenses of Plaintiff in an amount no less than \$510,843.38, and all other medical expenses that Plaintiff will incur as a result of the injuries suffered due to the Defendants' actions;

(e) That judgment be entered in favor of Plaintiff and against Defendant Jackson in an amount to be determined by the enlightened conscience of the jury as

punitive damages, sufficient to punish, penalize or deter him from future like conduct;

(f) That Plaintiff have and recover the cost of litigation, expenses, and attorneys' fees as allowed pursuant to 42 U.S.C. §§ 1983 and 1988;

(g) An award of pre-judgment and post-judgment interest; and

(h) That Plaintiff have such other and further relief as the Court deems just and proper.

Respectfully submitted this 10th day of April, 2015.

/s/ James D. McGuire

James D. McGuire

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Richard B. Crohan

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404-351-8500 main line
404-351-8805 fax

CERTIFICATION OF FONT

This certifies that pursuant to LR 5.1, ND., GA, the above Complaint for Damages has been prepared using Times New Roman font, 14 point.

Respectfully submitted this 10th day of April, 2015.

/s/ James D. McGuire
James D. McGuire
Georgia Bar No. 493325
jmcguire@mcklaw.org

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MRS D. McGUIRE
CHARL B. CROHAN
ANFORD N. KLINGER

August 30, 2013

Mayor Kasim Reed
55 Trinity Ave.
Suite 2400
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0001 2758 7066

The Members of the Atlanta City Council
President Ceasar Mitchell
Councilmember Carla Smith, Dist. 1
Councilmember Kwanza Hall, Dist. 2
Councilmember Ivory Lee Young, Dist. 3
Councilmember Clela Winslow, Dist. 4
Councilmember Natalyn Archibong, Dist. 5
Councilmember Alex Wong, District 6
Councilmember Howard Shook, District 7
Councilmember Yolanda Adrean, District 8
Councilmember Felecia Moore, District 9
Councilmember C.T. Martin, District 10
Councilmember Keisha Lance Bottoms, District 11
Councilmember Joyce Sheperd, District 12
Councilmember Michael Bond, Post 1
Councilmember Aaron Watson, Post 2
Councilmember H. Lamar Willis, Post 3
55 Trinity Ave., Suite 2900
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1160 0001 2758 7073

Ms. Rhonda Johnson
Clerk of Atlanta City Council
55 Trinity Ave, Suite 2700
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0001 2758 7080

Cathy Hampton, Atlanta City Attorney
Department of Law
68 Mitchell Street
Suite 4100
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1820 0006 0458 2725

[61]



Re: Notice of Claim Against the City of Atlanta, Georgia
Claimant : Will Otis King a/ka/ Will Otis King III
Date of Injury : 04/06/13
Location : 3819 Jonesboro Road, Atlanta, GA

Dear Mayor Reed, Atlanta City Council Members,
City Clerk Johnson, and City Attorney Hampton:

Please be advised that this firm represents Mr. Will Otis King regarding the injuries he suffered and damages he incurred as a result of being unlawfully shot in the head and face by Officer K. Jackson (unit 2313). (Whose first name has been identified by APD as Kylema.) A copy of the incident report #13-094-1706-00 is enclosed and incorporated herein by reference as if stated verbatim.

The notice is presented to the governing authority of the City of Atlanta, pursuant to O.C.G.A. §36-33-5. In accordance with O.C.G.A. §36-33-5, a copy of the Notice of Claim is being presented to the City of Atlanta the city government entity which the above referenced claimant asserts is responsible for the acts or omissions that caused his injuries and damages.

Consistent with O.C.G.A. §36-33-5 the following information is provided to the extent of the claimant's knowledge and belief:

(A) The name of the City entity or entities, the acts or omissions of which are asserted as the basis of the claim: the City of Atlanta, the City of Atlanta Police Department and City of Atlanta Police Officer K. Jackson (unit 2313) a/k/a Kylema Jackson.

(B) The time of the transaction or occurrence out of which the loss arose: The incident occurred on April 4, 2013, at approximately 5:10 p.m.

(C) The place of the transaction or occurrence: The incident occurred on 3819 Jonesboro Road, Atlanta, GA.

(D) The nature of the loss suffered: The acts and/or omissions of Officer K. Jackson, the City of Atlanta and the City of Atlanta Police Department resulted in the serious personal injury and damages of Will O. King, who was unjustifiably shot in the face, while unarmed. He has suffered and continues to suffer extreme injuries, pain and disfigurement from this shooting. The nature of the losses in this claim therefore includes all claims which can be brought by Mr. King, including, but not limited to, personal injuries

from the gun shot to his face, multiple surgeries, permanent scarring and disfigurement, claims for mental pain and suffering, physical pain and suffering, shock, fright, anxiety, worry, medical expenses, the intangible value of his loss of enjoyment of living, lost wages and earnings, his loss of earning capacity, and other necessary expenses and damages resulting from the injuries to Will O. King.

(E) The amount of the loss claimed: At a minimum, the permanent injuries received by Mr. King, along with economic and non-economic losses total (\$1,500,000.00) one million five hundred thousand dollars. Therefore, the total amount of the loss currently claimed is (\$1,500,000.00) one million five hundred thousand dollars.

(F) The acts omissions of the City of Atlanta, the City of Atlanta Police Department and/or Officer Jackson which caused the loss, include but are not limited to:

- (1) excessive use of force;
- (2) negligent hiring of Officer Jackson;
- (3) negligent retention of Officer Jackson;
- (4) failure to establish, implement and/or adhere to use of force policies;
- (5) failure to adequately train and/or supervise Officer Jackson;
- (6) failure to establish, implement and/or adhere to policies and/or procedures regarding the use of deadly force;
- (7) failure to establish, implement and/or adhere to policies and/or procedures regarding the use of deadly force for potential misdemeanor offenses;
- (8) ignoring and/or permitting the custom and/or policy of using excessive force;
- (9) ignoring and/or permitting the custom and/or policy of unreasonable searches and/or seizures;
- (10) ignoring and/or permitting the custom and/or policy of unlawful stops and/or harassment of motorists;
- (11) unlawful use of force;
- (12) unlawful discharge of a firearm;
- (13) assault and battery.

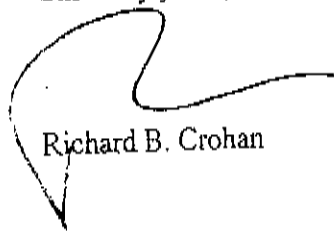
In addition, Officer Jackson, the City of Atlanta, the City of Atlanta Police Department and other City Officials, under color of law, subjected Will O. King, a citizen of the United States, to the deprivation of rights, privileges, and immunities secured by the U.S. and Georgia Constitutions and laws of this state. As such, Officer Jackson, the City Officials, the City of Atlanta Police Department and the City of Atlanta are liable to Will O. King.

Will O. King specifically reserves the right to amend this notice, pursue other theories of liability, to allege other acts of negligence by Officer Jackson, the City of Atlanta, the City of Atlanta Police Department, other City of Atlanta entities, or other private persons or entities as more details become available through the investigation or through the litigation of this matter should it become necessary.

Pursuant to O.C.G.A. section 36-33-5, this notice of claim is being sent within six months of the happening of the event upon which the claim against the municipal corporation is predicated. Mr. King is hereby presenting the claim in writing to the governing authority of the municipal corporation for adjustment. The code mandates that the governing authority act upon the claim within 30 days from the presentation.

Your return receipt will inform us of the date you received this notice. Please direct all future correspondence to this office and contact me if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard B. Crohan". The signature is stylized with a large, sweeping initial "R" that loops back under the name.

Richard B. Crohan

SNK/haw

cc: James D. McGuire, Esq.



INCIDENT REPORT

Incident #: 13-094-1706-01

Prepared:

4/7/2013 10:14:31 AM

Workflow Status: Report Approved by Central Records

Incident Info

Incident #	Report Date	Time	Date/Time	Time	Date/Time	Time	Time
130941706-01	4/4/2013	1730	4/4/2013	1649	4/4/2013	1730	113
SSN	Zone	Location	Location Type	APL District	APL Office	Inv. Office	
E	03	3819 JONESBORO RD SE	01	313	5343		
Children Inv.	Family Plan	Cargo Insured	Prev. Complaints	Price Credit/Status	Discontinuation	Disc. Date	Time
		2					
How Committed							
WARRANT ARREST							
Offender Name				Relationship of Parties		Weather	
Tashon McArthur						1	

Offenses

Offense	Offense	Offense	Offense	Offense	Offense	Offense	Offense
1	EM	Miscellaneous Non-Crime					
Offense Code	Offense Description	Offense Code	Offense Description	Offense Code	Offense Description	Offense Code	Offense Description
9999	C	9999	0				N

Involved Parties

Party Type	Name										
VICTIM	CITY OF ATLANTA										
Address	City	State	Zip	Phone							
215 LAKEWOOD WAY, ATL, GA 30315				(404) 230-6104							
DOB	Age	BL Number	BL Date	BL Expires	Sex	Race	Height	Weight	Hair	Eyes	
Hair Style	Hair Type	Facial Hair	Complexion								
Apparel	Speech	Hand	Gloves	Shoes	Feet	Mouth	Eye Contact	Car/Car Type	Control Type		
Body Markings Type	Body Markings Description										
Injury / Killed	Injury / Severity	Location on Body	When Hospitalized								
NOT INJURED											
SSN	Description										
Employer	Employer Address	Work Phone	Work Email								

No Suspects to Display!



INCIDENT REPORT

Incident #: 13-094-1706-01

Prepared:

4/7/2013 10:14:31 AM

Arrest

Name Type	Name	Location	County
Arrest	WILCOX, KENNETH		FULTON
Address	GA 30315		
DOB	Age	DL Number	DL State
09/09	24		GA
Sex	Race	Height	Weight
M	B		
Occupation			
Employer	Employee Address	Work Phone	Work Ext.
Charge Type	Charge Name	Section	Remarks
GC	1	106-90	
GF	2	99-WAR-FUL	

No Vehicles to Display

No Property to Display

Narrative

On 4/7/2013 at approximately 1649 hours, I Officer J. Sebastian and my partner Officer M. Johns responded to the location of 925 Conley to assist unit 3313 Officer Jackson with his case. At the time we detained a suspect involved with Officer Jackson's case that was placed in our patrol vehicle. The male suspect was detained until a proper identification could be made on the male. Officer Johns asked the male his name as he replied that his name was Reginald Bussey with a date of birth 10-31-1989. We then ran his name as it did not come back on file. We used a fingerprint machine to identify the suspect. The male was identified as Kenneth Wilcox via the fingerprint machine. Mr. Wilcox had a Warrant out of Fulton County for simple assault, warrant number 12CR388272 the date of the Warrant was 2/27/2013. When asked why he gave the name of Mr. Bussey he stated he used his brothers name. When Mr. Wilcox was cleared from questioning from the Detectives on Officer Jackson's case, he was arrested for giving a false name to Police 106-90 and the Warrant out of Fulton Co. Mr. Wilcox was taken to the Atlanta city jail for processing.

There is nothing further to report at this time.

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OR HER OATH, DEPOSES AND STATES THAT THE FOREGOING IS TRUE, CORRECT, COMPLETE AND TRUE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.

Reporting Officer (Print Name)	ID #	Assignment	Gender	Signature Date
SEBASTIAN (YES)	5343	313		4/7/2013
Reporting Officer (Print Name)	ID #	Assignment	Gender	Signature Date
HENNINGER (YES)	2906	313		4/7/2013
Case ID #	5102	File Date	4/7/2013 10:14:06 AM	



INCIDENT REPORT

Incident #: 13-094-1708-00

Prepared:

4/6/2013 11:04:16 AM

Workflow Status: Report Approved by Central Records

Incident Info

Incident #	Report Date	Area	Unit Occurred	Unit	Report Date	Unit	Report
130941708-00	4/4/2013	1649	4/4/2013	1647	4/4/2013	1649	313
Unit	Zone	Location	Location Type	Rpt District	Rpt Officer	Inv. Officer	
E	03	3819 JONESBORO RD SE	13	313	0042		
Children Inv.	Family Inv.	Gang Related	Prev. Complaints	Prev. Court Orders	Disposition	Date/Time	Time
Person Committed							
PERSON SHOT BY POLICE OFFICER							
Relationship of Parties					Weapon		

Offenses

Offense	Offense	Victim					
015006	Police Discharging Firearms	1					
015006	Police Discharging Firearms						
Offense	Offense	Offense	Offense	Offense	Offense	Offense	Offense
9999		9999	0				



INCIDENT REPORT

Incident #: 13-094-1706-00

Prepared:

JR/2013 11:04:16 AM

Involved Parties

Name Type												Name											
VICTIM												KING III, WILL OTIS											
Address												Bldg				Appt				Home Phone			
GA 30354																							
DOB		Age		DL Number		DL State		DL Expire		Sex		Race		Height		Weight		Hair		Eyes			
										M		B											
Hair Style				Hair Type				Facial Hair				Complexion											
Appetite		Speech		Hearing		Smell		Taste		Gustatory		Halt		Mouth		Eye Contact		Skin Tone Type		Clothing Type			
Body Markings Type				Body Markings Description																			
Injury / Killed				Injury / Severity				Location on Body				Where Reported											
GUN SHOT				SERIOUS				HEAD															
SSN				Occupation																			
Employer				Employer Address								Work Phone				Work Ext							
Name Type												Name											
REPORTING PARTY												OFFICER K JACKSON											
Address												Bldg				Appt				Home Phone			
DOB		Age		DL Number		DL State		DL Expire		Sex		Race		Height		Weight		Hair		Eyes			
Hair Style				Hair Type				Facial Hair				Complexion											
Appetite		Speech		Hearing		Smell		Taste		Gustatory		Halt		Mouth		Eye Contact		Skin Tone Type		Clothing Type			
Body Markings Type				Body Markings Description																			
Injury / Killed				Injury / Severity				Location on Body				Where Reported											
SSN				Occupation																			
Employer				Employer Address								Work Phone				Work Ext							



INCIDENT REPORT

Incident #: 13-094-1708-00

Prepared:

4/6/2013 11:04:18 AM

Suspects

Name-Last:		Name-First:	
SUSPECT		KING III, WILL OTIS	
Address:		DOB:	Age:
[REDACTED] GA 30354			
DOB:	Age:	Sex:	Height:
09/22/1992	21	M	5'8"
Hair-Style:		Hair-Color:	
[REDACTED]		[REDACTED]	
Eyes:		Complexion:	
[REDACTED]		[REDACTED]	
Appearance:	Build:	Height:	Weight:
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Occupation:		Work-Phone:	
[REDACTED]		[REDACTED]	
Employer:		Employer-Address:	
[REDACTED]		[REDACTED]	
Body-Markings-Type:		Body-Markings-Description:	
[REDACTED]		[REDACTED]	

No Arrests to Display!

Vehicles

Owner:		Vehicle Type:		VIN:	
[REDACTED]		INVOLVED IN CRIME		1G2HX52KX5U111007	
Year:	Make:	Model:	Style:	Color:	Color 2:
2005	PONT	BON	4D	SILVER	A
State:	Plate:	Plate 2:	Plate 3:	Plate 4:	Plate 5:
GA	114046868				
Total Vehicle Values		Total Vehicle Values		Total Vehicle Values	
[REDACTED]		[REDACTED]		[REDACTED]	

No Property to Display!

Narrative



INCIDENT REPORT

Incident #: 13-094-1706-00

Prepared:

4/6/2013 11:03:18 AM

On Thursday April 4, 2013 at approximately 1710 hours homicide investigators responded to a call for assistance from Zone Three officers regarding a person shot call. They were reporting to us that one of their officers shot the person. Homicide and HOIST investigators met with the Zone Three units at 925 Conley Rd. The initial investigation into the shooting has revealed that Officer K. Jackson (unit 2313) was on patrol in the area of Jonesboro Rd and Conley Rd when he saw a vehicle being driven on the city streets without any valid insurance and an expired tag. A vehicle matching that description was also suspected of being involved in some robberies. The vehicle pulled into the CITGO gas station at 3819 Jonesboro Rd. Officer Jackson activated his emergency equipment in the parking lot directly behind the vehicle. He exited his vehicle with his weapon in his hand, and gave the driver (Will King) and his passengers commands to put their hands in the air. Officer Jackson ordered the driver several times to turn the vehicle off and to open the door. The driver refused to comply and began to pull off while the officer was standing next to the driver's side of the vehicle. Officer Jackson fired his weapon one time striking the driver in the face. Will King drove the vehicle to 925 Conley Rd, where he jumped out of the vehicle and fled the scene on foot. The officer was able to detain the passengers when he pulled up to the driverless vehicle. We learned that the driver ran to a home on Bonnie Lane where he sought the assistance from someone to take him to South Fulton Hospital. He was later transported to Atlanta Medical Center in critical but stable condition. Mr. King had three outstanding warrants for his arrest from Fulton, Dekalb, and Clayton Counties. He was held at AMC in police custody for those warrants. CST S McMillan processed the crime scenes. Mr. King's vehicle was impounded and taken to the homicide cage so that it could be processed.

THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OR HER OATH, DEPOSES AND STATES THAT THE FOREGOING IS TRUE, CORRECT, COMPLETE AND LEGIBLE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.

Reporting Officer (Name, Sig.)	ID #	Assignment	Gender	Report Date
CALHOUN (YES)	0042	313		4/5/2013
Supervisor (Name, Sig.)	ID #	Assignment	Gender	Signed On
LACROSS (YES)	0241	313		4/5/2013
Submitted	5554	File Date	4/6/2013 11:03:28 AM	



THE LAW OFFICES OF
McGUIRE, CROHAN & KLINGER

Not A Partnership

1800 PEACHTREE STREET, SUITE 514

ATLANTA, GEORGIA 30309

Writer's direct Dial (404) 892-0033

TELEPHONE (404) 351-8500

FACSIMILE (404) 351-8805

MES D. McGUIRE
CHARD B. CROHAN
ANFORD N. KLINGER

September 24, 2013

Mayor Kasim Reed
55 Trinity Ave.
Suite 2400
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9274

The Members of the Atlanta City Council
President Ceasar Mitchell
Councilmember Carla Smith, Dist. 1
Councilmember Kwanza Hall, Dist. 2
Councilmember Ivory Lee Young, Dist. 3
Councilmember Cleta Winslow, Dist. 4
Councilmember Natalyn Archibong, Dist. 5
Councilmember Alex Wong, District 6
Councilmember Howard Shook, District 7
Councilmember Yolanda Adrean, District 8
Councilmember Felecia Moore, District 9
Councilmember C.T. Martin, District 10
Councilmember Keisha Lance Bottoms, District 11
Councilmember Joyce Sheperd, District 12
Councilmember Michael Bond, Post 1
Councilmember Aaron Watson, Post 2
Councilmember H. Lamar Willis, Post 3
55 Trinity Ave., Suite 2900
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9298

Ms. Rhonda Johnson
Clerk of Atlanta City Council
55 Trinity Ave, Suite 2700
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9304

Cathy Hampton, Atlanta City Attorney
Department of Law
68 Mitchell Street
Suite 4100
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9311

[71]

Re: Second Revised Notice of Claim Against the City of Atlanta, Georgia
Claimant : Will Otis King a/k/a Will Otis King III
Date of Injury : 04/04/13
Location : 3819 Jonesboro Road, Atlanta, GA

Dear Mayor Reed, Atlanta City Council Members,
City Clerk Johnson, and City Attorney Hampton:

This is a second revision and amendment to the initial ante litem notice sent to each of you on August 30, 2013, and the first supplement sent on September 17, 2013, regarding the above referenced claims of Will Otis King. Copies of the August 30, 2013 notice and September 17, 2013 revised notice are attached hereto and, except as revised, are incorporated herein by reference. This is being sent within six months of the event that gives rise to this claim. Please consider this second-revision, amendment and supplemental notice as a revision and amendment of the prior notices revising and correcting the Date of Injury to read: April 4, 2013.

In addition to the claims contained in the initial ante litem notice and revision, the City of Atlanta Officer K. Jackson (unit 2313), City of Atlanta Police Officers, City of Atlanta and the City of Atlanta Police Department and other City Officials, under color of law, subjected Will Otis King a citizen of the United States, to the deprivation of rights, privileges, and immunities secured by the Constitution and laws. As such, the involved City of Atlanta Police Officers (including but not limited to Officer K. Jackson (unit 2313), City of Atlanta and the City of Atlanta Police Department and other City Officials, are liable to Will Otis King under 42 USC §1983.

Will O. King specifically reserves the right to amend this and any other notice, pursue other theories of liability, to allege other acts of negligence by Officer Jackson, the City of Atlanta, the City of Atlanta Police Department, other City of Atlanta entities, or other private persons or entities as more details become available through the investigation or through the litigation of this matter should it become necessary.

Your return receipt will inform us of the date you received this notice. Please direct all future correspondence to this office and contact me if you have any questions.

Sincerely yours,

[72]

Richard B. Crohan

SNK/haw

cc: James D. McGuire, Esq.



THE LAW OFFICES OF
McGUIRE, CROHAN & KLINGER

Not A Partnership

1800 PEACHTREE STREET, SUITE 514

ATLANTA, GEORGIA 30309

Writer's direct Dial (404) 892-0033

TELEPHONE (404) 351-8500

FACSIMILE (404) 351-8805

JAMES D. McGUIRE
RICHARD B. CROHAN
SANFORD N. KLINGER

September 17, 2013

Mayor Kasim Reed
55 Trinity Ave.
Suite 2400
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9229

The Members of the Atlanta City Council
President Ceasar Mitchell
Councilmember Carla Smith, Dist. 1
Councilmember Kwanza Hall, Dist. 2
Councilmember Ivory Lee Young, Dist. 3
Councilmember Clela Winslow, Dist. 4
Councilmember Natalyn Archibong, Dist. 5
Councilmember Alex Wong, District 6
Councilmember Howard Shook, District 7
Councilmember Yolanda Adrean, District 8
Councilmember Felecia Moore, District 9
Councilmember C.T. Martin, District 10
Councilmember Keisha Lance Bottoms, District 11
Councilmember Joyce Sheperd, District 12
Councilmember Michael Bond, Post 1
Councilmember Aaron Watson, Post 2
Councilmember H. Lamar Willis, Post 3
55 Trinity Ave., Suite 2900
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9236

Ms. Rhonda Johnson
Clerk of Atlanta City Council
55 Trinity Ave, Suite 2700
Atlanta, Georgia 30303

VIA CERTIFIED MAIL NO.
7005 1160 0000 9827 9243

Cathy Hampton, Atlanta City Attorney
Department of Law
68 Mitchell Street
Suite 4100
Atlanta, GA 30303

VIA CERTIFIED MAIL NO.
7005 1820 0000 9827 9250

[73]

Re: Revised Notice of Claim Against the City of Atlanta, Georgia
Claimant : Will Otis King a/k/a Will Otis King III
Date of Injury : 04/06/13
Location : 3819 Jonesboro Road, Atlanta, GA

Dear Mayor Reed, Atlanta City Council Members,
City Clerk Johnson, and City Attorney Hampton:

This is a revision and amendment to the ante litem notice sent to each of you on August 30, 2019, regarding the above referenced claims of Mr. King. A copy of the prior notice is attached hereto and, except as set forth herein, is incorporated herein by reference. This is being sent within six months of the event that gives rise to this claim. Please consider this supplemental notice as a revision and amendment of the August 30, 2013 notice to include all damages allowed under Georgia law for personal injuries, including but not limited to those which may lead to death, and those recognized and allowed under the wrongful death statute, as well as for punitive damages. In addition, after further review of the facts and injuries of this case, the amount claimed is hereby revised to five million dollars (\$5,000,000.00).

Will O. King specifically reserves the right to amend this and any other notice, pursue other theories of liability, to allege other acts of negligence by Officer Jackson, the City of Atlanta, the City of Atlanta Police Department, other City of Atlanta entities, or other private persons or entities as more details become available through the investigation or through the litigation of this matter should it become necessary.

" Pursuant to O.C.G.A. section 36-33-5, this revised notice of claim is being sent within six months of the happening of the event upon which the claim against the municipal corporation is predicated. Mr. King is hereby presenting the claim in writing to the governing authority of the municipal corporation for adjustment. The code mandates that the governing authority act upon the claim within 30 days from the presentation.

Your return receipt will inform us of the date you received this notice. Please direct all future correspondence to this office and contact me if you have any questions.

Sincerely yours,

[74]

Richard B. Crohan

SNK/haw

cc: James D. McGuire, Esq.

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

MAZDA KEVIN
S-100000786
SINCE 2460
ATLANTA GA 30303

2. Article Number	7005 1160 0003 2758 7066
Transfer from service label	
PS Form 1000-1, February 2004	Domestic Return #

SENDER: COMPLETE THIS SECTION

☐ No postage is required if the card is sent by registered mail and certified by a post office. If registered mail delivery is desired, please indicate the amount of postage on the reverse of the card. Payment can be made in the form of a money order, check, or cash.

☐ Send the card to the back of the mailbox, and we will deliver it to you. If space permits.

COMPLETE THIS SECTION ON DELIVERY

It is a very common mistake to think that the only way to get a good education is to go to a good school. In fact, the quality of the education depends on the quality of the teacher. A good teacher can make a difference in the life of a student. They can inspire them to learn and to achieve. They can help them to develop their potential. They can give them the tools they need to succeed. So, if you want a good education, find a good teacher. That is the key.

1978

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Johnsden
104 South 2700
Alameda St 30303

PS Form 3825, February 2004 Domestic Return Receipt

SEMI-RECOMBILITE THIS SECTION

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Services ☒ Certified Mail
☒ Registered
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☐ Express Mail
☐ Return Receipt for Mail
☐ **0000**

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- 1. Complete items 1, 2, and 3. Also complete Restricted Delivery, if desired.
- 2. Return Receipt and address on the reverse to the sender return the card to you.
- 3. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Number

For your Kasin Reed
 SS Trinity Ave.
 Suite 2400
 Atlanta, GA 30303

2. Article Number

(Transfer from Service Label)

7005 1160 0000 9827 9229

PS Form 3811, February 2004

Domestic Return Receipt

102505-2-11-1540

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- 100. Article Number

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) ☐ Date of Delivery
- C. Signature ☐ Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
- If YES, enter delivery address below:

- 3. Service Type ☒ Certified Mail ☐ Registered Mail ☐ Insured Mail ☐ Restricted Delivery (Extra Fee) ☐ Yes ☐ No
- 4. Return Receipt Requested ☐ Express Mail ☐ Return Receipt for Merchandise

COMPLETE THIS SECTION ON DELIVERY

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ACCUSATION

Clerk No. 58-133718

FULTON SUPERIOR COURT

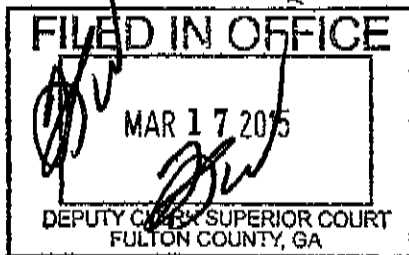
THE STATE OF GEORGIA

v.

KYLEMA JACKSON

DA #: 13DA544644

- 1 AGGRAVATED BATTERY O.C.G.A. §16-5-24
- 2 AGGRAVATED ASSAULT O.C.G.A. §16-5-21



PERSONID: 2648442

Paul L. Howard
PAUL L. HOWARD, JR., District Attorney

Alford
The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads Guilty. *Ct 1 Battery*

NC
Kylema Jackson
Defendant *Ct 2 Reckless Conduct*

Shelly B. [Signature]
Attorney for Defendant

M. Howard
Assistant District Attorney

This 17th day of March, 2015

The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads Guilty.

Defendant

Attorney for Defendant

Assistant District Attorney

This ___ day of [??]

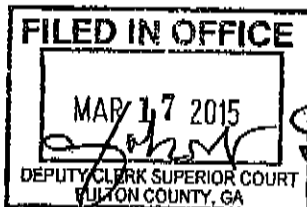
The Defendant waives copy of indictment, list of witnesses, formal arraignment and pleads Guilty.

Defendant

Attorney for Defendant

Assistant District Attorney

This ___ day of _____



STATE OF GEORGIA, COUNTY OF FULTON

IN THE SUPERIOR COURT OF SAID COUNTY

On behalf of the People of the State of Georgia, the undersigned, **Paul L. Howard, Jr.**, District Attorney, as prosecuting attorney for the County and State aforesaid, does charge and accuse **KYLEMA JACKSON** with the offense of **AGGRAVATED BATTERY O.C.G.A. §16-5-24 (FELONY)**, for the said accused, in the County of Fulton and State of Georgia, on the **4th day of April, 2013**, did maliciously cause bodily harm to **Will King** by rendering his left mandible, right mandible and tongue useless by shooting the face of **Will King** with his service weapon; -contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 2 of 2

The undersigned, as prosecuting attorney, does further charge and accuse **KYLEMA JACKSON** with the offense of **AGGRAVATED ASSAULT O.C.G.A. §16-5-21**, for the said accused, in the County of Fulton and State of Georgia, on the **4th day of April, 2013**, did unlawfully commit an aggravated assault upon the person of **Will King** by pointing a handgun (an object which, when used offensively against a person is likely to result in serious bodily injury) at **Will King** without legal authority, thereby placing **Will King** in reasonable apprehension of immediately receiving serious bodily injury; -contrary to the laws of said State, the good order, peace and dignity thereof.

PAUL L. HOWARD, JR., District Attorney

Related Clerk No:

Complaint #:

Defendant	DA #	Booking	Race	Sex	Birthdate	OTN	Agency
JACKSON, KYLEMA	13DA544644						

WITNESS LIST

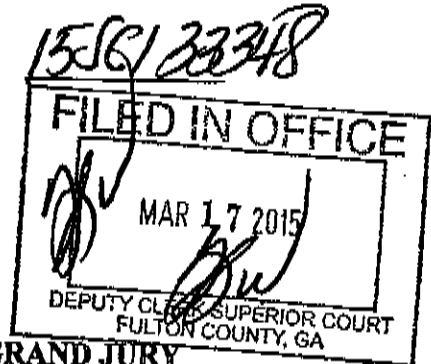
IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE NO.:

v.

Kylema Jackson,
Defendant.



DEFENDANT'S WAIVER OF INDICTMENT BY GRAND JURY

This case not involving a capital felony, I hereby waive indictment by a grand jury and instead allow the District Attorney to charge me by accusation pursuant to O.C.G.A. §17-7-70.

I understand that I may enter a plea and be tried on this accusation according to the same rules of substantive and procedural laws relating to defendants who have been indicted by a grand jury.

Kylema Jackson
Defendant

3-17-15
Date

Holly B. Hughes
Attorney for Defendant

3/17/15
Date

Mark D. [Signature]
Assistant District Attorney

3/17/15
Date

CATHELENE ROBINSON, CLERK OF SUPERIOR COURT OF FULTON COUNTY, GEORGIA
I, DO CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE, COMPLETE
AND CORRECT COPY OF THE ORIGINAL IN SAID CASE, AS APPEARS ON FILE
AND RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT
FULTON COUNTY, CRIMINAL DIVISION, ATLANTA, GA.

WITNESS MY HAND AND SEAL OF SAID COURT THIS

31 DAY OF MARCH, 20 15
[Signature]
DEPUTY CLERK

[81]

**ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT**

EMPLOYEE: Ofc. K Jackson		CITIZEN: Tamekia Lindley		OPS #
CITIZEN NAME (LAST, FIRST, MI) Lindley, Temakia M.	RACE B	SEX F	DOB [REDACTED]	DATE & TIME OF STATEMENT 06/21/04 1600
ADDRESS [REDACTED] Atlanta 30310	SSN [REDACTED]	HOME PHONE [REDACTED]	WORK PHONE none	

I am Investigator R. Turner of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

On June 20, 2004, at approximately 8:36 Officer Jackson and I was at the stop sign at Allene and Brookline. Officer Jackson kept telling me to cross over and kept saying I live there were you are parked at 5. Officer Jackson kept telling me to move and I wouldn't move. Officer Jackson began cursing and said if you don't move I'm gonna pull your ass over. So I began to move and he turned around and jumped out of his car on Allene and asked for my driver's license and insurance. Officer Jackson said you are not gonna be out here showing out on me. Officer Jackson said get back in the car nigger before I lock your ass up nigger. Officer Jackson put his hand on his gun and took his holster a loose like he was going to pull his gun out on me. Officer slammed my car door and broke my window. I called 911 and asked for a lieutenant to come out and they sent a short stocky white man out I don't know his name.

The supervisor began to talk to the people that were standing out there and began to take down their names and stuff. He asked them what had happened. I told the lieutenant I was going to sign the tickets but I didn't want Officer Jackson over there giving me anything because he disrespected me. The sergeant said that this was not the time to discipline the officer but he would discipline him back at the office.

Q: What is your complaint?

A: I want my window fixed. I don't have a problem with the windshield citation but I do have a problem with the seat belt citation. I want my window fixed.


I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


CITIZEN SIGNATURE

Sworn and subscribed to me this _____ day June 21, 2004 2003

Tamekia M. Lindley

PRINT CITIZEN NAME


NOTARY PUBLIC

P 4 [82] 1 - 3



Notary Public, Paulding County, Georgia
My Commission Expires Jan. 14, 2008

ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT

EMPLOYEE: Ofc. K Jackson CITIZEN: Tamekia Lindley OPS #

Q: Is there anything else you would like to add to your statement at this time?

A: No.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


CITIZEN SIGNATURE

Sworn and subscribed to me this day June 21, 2004 2003

Tamekia M. Lindley

PRINT CITIZEN NAME


NOTARY PUBLIC

P - 41835 - 3

Notary Public, Paulding County, Georgia
My Commission Expires Jan. 14, 2007

**ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT**

EMPLOYEE: Ofc. K Jackson CITIZEN: Tamekia Lindley OPS #

Q: Were you injured in this incident?

A: No sir.

Q: Did you resist the officer in any way?

A: No.

Q: Did you provoke the officer in any way?

A: No

Q: At any time were you blocking the roadway?

A: No

Q: Were there cars parked on both sides of the street where you encountered Officer Jackson?

A: No it wasn't.

Q: Did you follow the officer's instruction regarding the moving of your vehicle?

A: Yes.

Q: Identify any witnesses to this incident.

A: Chauncey McWhorter address same, Marquita Slaton same address, and a lot of people, Frank Tillman same address, and Willie Johnson I don't know his address.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


CITIZEN SIGNATURE

Sworn and subscribed to me this day June 21, 2004 2003

Tamekia M. Lindley

PRINT CITIZEN NAME


NOTARY PUBLIC

P - 4 [84] 2 - 3

Notary Public, Paulding County, Georgia
My Commission Expires Jan. 14, 2006

**ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT**

EMPLOYEE: Ofc. K Jackson CITIZEN: Frank Tillman OPS # 04-C-0335-CTSY

CITIZEN NAME (LAST, FIRST, MI) Tillman Frank	RACE B	SEX M	DOB [REDACTED]	DATE & TIME OF STATEMENT 07 03 04 2018hrs
ADDRESS [REDACTED]	SSN [REDACTED]	HOME PHONE [REDACTED]	WORK PHONE N/A	

I am SGT. J.V. Snowden of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

I, Frank Tillman, witness that my niece Temekia was at the stop sign on Allene and Brookline traveling south. My mother, Ms. Gussie Fillmore, lives at 1028 Allene Ave. and the officer and Tamekia had words about coming through the stop sign. Then Tamekia pull through the sign the officer pulled behind her and blocked her in. The officer got out of his car then they exchanged words at Tamekia car so then Tamekia got out of the car. Tameika stood out in front of her car. The officer said to Tamekia "Nigger, if you don't get your ass back in that car, I will lock your ass up". Tamekia got back in the car and the officer slammed the door. That's when her window fell down.

Question asked by Sgt. Snowden:

Q. Did Tamekia provoke the officer?

R. No, not that I know of.

Q. How far were you from Tamekia and the officer?

R. Actually, I was maybe three or four feet away.

Q. Did you hear the police officer telling Tamekia to call down?

R. I didn't hear that. What I heard is what I said earlier.

Q. Did you hear anybody yelling on the scene? If so, who?

R. The officer was talking a little loud when I heard what I said on this statement.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Frank Tillman
CITIZEN SIGNATURE

Sworn and subscribed to me this 3 day of JULY in the year 04

Frank Tillman
PRINT CITIZEN NAME

[Signature]
NOTARY PUBLIC

[85] 5-1-2



ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT

EMPLOYEE: Ofc. K Jackson CITIZEN: Frank Tillman OPS # 04-C-0335-CTSY

Q. Did anyone's vehicle ever block the street keeping other vehicles passing through?

R. When the officer was pulling her over, he was blocking the streets.

Q. Did the officer use his blue lights when he pulled her over?

R. Not at first but when he turned around, he put them on you know.

Q. Did Tamekia's window shatter or did it just fall down inside the door?

R. I just heard noise. She said it didn't shatter and it just fell down into the door.

Q. What kind of car does Tamekia own?

R. I think it's a Buick Skylark. I don't know what year. Around 1980 or something. I'm not sure.

Q. Did the officer ever pull or point his gun at Tamekia?

R. Ah, he sort of like undid the holster but he never drewed it or nothing like that.

Q. When Tamekia's car door was slammed, was Tamekia in the car?

R. Yea, she was in the car when it slammed.

Q. At the beginning of the incident, when did Tamekia get out of the car?

R. After he had stopped her and got her Id.

Q. When the officer asked for her identification, was she in the car at point?

R. Yea, she was in the car.

Q. Did Tamekia get out of the car while the officer was in the police car for the couple of minutes?

R. She got of the car after he got the Id and she stood beside the car.

Q. Is there anything else that you would like to add to your statement?

R. No

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Frank Tillman
CITIZEN SIGNATURE

Sworn and subscribed to me this 3 day of JULY in the year 04

Frank Tillman
PRINT CITIZEN NAME

[Signature]
NOTARY PUBLIC

1861-2-2

**ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT**

EMPLOYEE: Ofc. K Jackson

CITIZEN: Tamekia Lindley OPS #

CITIZEN NAME (LAST, FIRST, MI) Slaughter, Marquetta	RACE B	SEX F	DOB [REDACTED]	DATE & TIME OF STATEMENT 06/21/04 1635
ADDRESS [REDACTED] Ave. Atlanta 30310	SSN [REDACTED]	HOME PHONE [REDACTED]	WORK PHONE none	

I am Investigator R. Turner of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

On June 20, 2004 at approximately 8:30 and 9:00 Temakia and were at the stop sign at Allene and Brookline. As we were pulling up the police was already at the stop sign. By the police having the right of way he just sat my cousin signaled for him to go ahead. The police motioned for her to go on and she motioned for him to go. So the police told her to go ahead and go and if she didn't he was going to pull her ass over. Temakia turned right and turned around to park in front of my aunts house and then the police pulled up on the side of us and jumped out and started yelling for her to give him her license and ID. The police officer was yelling and telling her to calm her ass down. The police officer got in the car and was in the car for a minute or two. We got out the car and was standing against the drivers door and I was standing against the passenger side door. The police told Temakia told her get her ass in the car before he locks her stupid ass up nigger. So then Temakia was upset and she called for a supervisor and the police officer had us to sit in the car for about 15 minutes until the supervisor came.

When the police told her to get her ass in the car he slammed the car door and the class fell down inside the door of the car. The window didn't break it just fell down in the door. After that the supervisor came out and spoke to her and took statements. The officer was sitting in the car laughing like it was joke, he wasn't professional at all.

Q: Did Tamekia resist the officer in any way?

A: No

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Marquetta Slaughter
CITIZEN SIGNATURE

Sworn and subscribed to me this 21 day June 2004

Marquetta Slaughter

PRINT CITIZEN NAME

Kaye L. [Signature]
NOTARY PUBLIC

P - 12 [87] 1 - 2



Notary Public, Paulding County, Georgia
My Commission Expires Jan. 14, 2009

ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT

EMPLOYEE: Ofc. K. Jackson CITIZEN: Tamekia Lindley OPS #

Q: Did Tamekia provoke the officer in any way?

A: No

Q: Did Tamekia shout or yell anything at the officer?

A: Basically she was upset she wasn't threatening, she was upset but she wasn't yelling.

Q: At any time did Tamekia block the roadway?

A: No, the police officer was blocking the roadway.

Q: Were there cars parked on both sides of the street where you encountered Officer Jackson?

A: No

Q: Is there anything else you would like to add to your statement at this time?

A: the officer flinched for his gun when he told her to get her ass back in the car.

Q: Did the officer pull his gun out?

A: No he flinched for it like he was going to pull it out.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Marquetta Slaughter
CITIZEN SIGNATURE

Sworn and subscribed to me this 21 day June 2004

Marquetta Slaughter

PRINT CITIZEN NAME

Kaye Lee
NOTARY PUBLIC

P - 6 [88] 2 - 2

Notary Public, Paulding County, Georgia
My Commission Expires Jan. 14, 2005



City of Atlanta Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: Major E. Finley
FROM: Major W. Harris, Jr. *W. Harris*
DATE: September 16, 2004
RE: Command Investigation of
OPS Complaint File: 04-C-0335-CTSY
Officer Kylema Jackson / FOD - Zone 3

Please include the following items or information. The requested information or documents should be returned to the Office of Professional Standards as soon as possible.

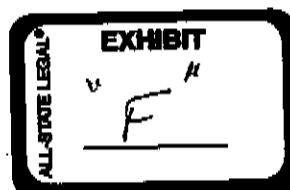
1. The Employee Discipline Work Sheet (P-15-1-1) indicates Employee Work Rule 2.02 (Courtesy) was Sustained. The Supervisor Complaint Investigation Checklist (P-2-1-1) indicates the employee received an Oral Admonishment for Employee Work Rule 1.01 (Appropriate Action Required). Please make the necessary corrections, include it in the file and ensure the **employee signs his name on the line above ' (Employee Name) ' to acknowledge he received a corrected copy of the form.**

If you have any questions about this file, please contact me at (404) 658-7028.

Date Stamp the Appropriate Block

Delivered to Division	Delivered to Section	Returned to Division	Returned to OPS

CinvMemo1



**MEMORANDUM**

TO: Lt. G. Yabuku
FROM: Sgt. C. J. Mills *W*
DATE: May 24, 2005
RE: Off. K. Jackson -- Job Abandonment

On this date, at approximately 1630 hours, Sgt. Senzer informed me that Off. Jackson had refused his work assignment and refused to work with his scheduled partner, Off. Glass-Hess. Sgt. Senzer stated that he had spoken with Off. Jackson and Glass-Hess together and separately and that Off. Jackson absolutely refused to walk a footbeat with Off. Glass-Hess. Sgt. Senzer requested that I witness further conversation with Off. Jackson. Off. Jackson then came into our office and I told him that his assignment for the day would be to walk a footbeat with Off. Glass-Hess and he responded "I don't walk footbeats." I then informed Off. Jackson that I was issuing him a direct order to walk a footbeat with Off. Glass-Hess and he responded "I don't walk footbeats, it goes against my principles and my manhood." I then explained to Off. Jackson the ramifications of refusing his work assignments as well as the consequences of refusing a lawful and proper direct order from a supervisor. Off. Jackson continued to reiterate that he would not walk a foot beat and he refused to work with Off. Glass-Hess because he was eight years younger than he was and he couldn't teach him anything. At this point it became apparent to me that Off. Jackson was behaving in a manner consistent with psychological or emotional impairment. It was illogical to refuse to walk a foot beat with a fellow employee because he was eight years younger than he was and I conveyed this thought to him. I explained that there are employees of all ages and that he could not refuse to work with an employee because they were younger in age. Off. Jackson stated that Off. Glass-Hess was immature and refused to listen to him. I explained to Off. Jackson that Off. Glass-Hess was not a trainee and it was not his job to train Off. Glass-Hess but to interact with him in a professional manner during his tour of duty. It was apparent to me that Off. Jackson actually felt it was Off. Glass-Hess duty to do what he said to do, when he said do it. Off. Jackson then stated that if he was walking with Off. Glass-Hess and he walked down a street he would not walk with him and that somebody was going to get hurt. At this point it became more apparent to me

8-3-4



that Off. Jackson was mentally unbalanced and I became apprehensive that if he was this irrational, should we be worried for our personal safety or the safety of the employees at the precinct. I have been a front line supervisor since 1993 and have never encountered an employee who was behaving in this manner and made me fear for my safety. Off. Jackson refused to look me in the eye but instead stared off into space as though he was talking to someone above him.

In an effort to give Off. Jackson every opportunity to comply with a direct order, I then explained to him that he was employed by a paramilitary organization and was not afforded the luxury of choosing his assignments or his partners. Off. Jackson once again stated he does not walk footbeats, that it goes against his manhood. I told him that if he refused his work assignment he would be given the same assignment the next day that he returned to work and he stated he would not walk a foot beat on any date. He once again emphasized emphatically, "I don't walk footbeats."

At this point Sgt. Senzer asked Off. Jackson if he was going to continue to refuse his work assignment and disobey a direct order. Off. Jackson said nothing and continued to gaze off into space. Sgt. Senzer then told him that his refusal to complete his job assignment or to respond to his question would be considered as failure to obey a direct order. Off. Jackson continued to stare off into space and said nothing. I then told Off. Jackson to clock out and go home.

Once Off. Jackson had left the building Sgt. Senzer and I discussed the matter. We discussed the fact that we both felt very apprehensive during our discussions with Off. Jackson and that his behavior was so bizarre that we wondered would he reach for his weapon and use it. Sgt. Senzer told me that during our conversation he actually became aware that he was not wearing his bulletproof vest and he subconsciously placed his hand on his weapon. I then researched departmental policy because I had never encountered a situation like the one with Off. Jackson and was unsure of what course of action to take. I feel I erred by not relieving Off. Jackson from duty at that time. Not only did Off. Jackson display a gross disregard for the authority of the rules of the Department but he clearly exhibited behavior indicative of psychological and/or emotional impairment. I am requesting that Off. Jackson be relieved of duty until further notice and scheduled for a psychological evaluation at the earliest convenience.

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: Sergeant Mark C. Cotter

OPS # 05-L-0378-SOP

EMPLOYEE NAME (LAST, FIRST, MI) Cotter, Mark C.			CLASSIFICATION Sergeant	POSITION NUMBER	DATE & TIME OF STATEMENT 7/14/05 5:49 PM	
RACE W	SEX M	DOB [REDACTED]	DATE OF EMPLOYMENT 01-07-97	4 DIGIT ID NO. 2373	DIVISION FOD	SECTION Z-3
			WATCH EVE			

I am INVESTIGATOR, R S BAILEY of the Atlanta Police Department. You are being questioned as a WITNESS in an official investigation by the Department. Also present is: Richard Straut - PBA

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

Q. Sergeant Cotter were you working your regular work assignment on May 24, 2005?

A. I was on vacation.

Q. Sergeant Cotter did you give an order and/or directions to anyone to contact you before giving Officer Kylema Jackson a work assignment for May 24, 2005?

A. No.

Q. Sergeant Cotter on May 24, 2005 Officer Kylem Jackson is alleged to have denied a direct order from supervisors to work a foot beat assignment with Officer Glass-Hess. Sergeant Cotter have you given an order and/or direction to Officer Jackson that would lead him to understand the information in anyway that he did not have to work a foot beat assignment and/or work with Officer Glass-Hess?

A. No, I did not ever give Officer Jackson any information that would lead him to believe that he did not have to work a foot beat and/or work with Officer Glass-Hess

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Mark C. Cotter
EMPLOYEE SIGNATURE

Sworn and subscribed to me this 14 day of July in the year 2005

Sergeant Mark C. Cotter

PRINT EMPLOYEE NAME

[Signature]
ROOSEVELT S. BAILEY
NOTARY PUBLIC, CLAYTON CO., GEORGIA

P - 9 [92] - MY COMMISSION EXPIRES DECEMBER 7TH, 2008



ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Sergeant Mark C. Cotter

OPS # 05-I-0378-SOP

Q. Be advised that should it become necessary during this investigation, you may be directed to submit to a computer voice stress analysis exam and/or a polygraph exam per APD SOP 3120. Do you acknowledge this official notice?

A. Yes.

Q. Is there anything else you wish to add to your statement today?

A. No.

Q. If there is any further information that would assist this investigation would you forward it to this office?

A. Yes.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Set Mark C. Cotter
EMPLOYEE SIGNATURE

Sworn and subscribed to me this 14 day of July in the year 2005

Sergeant Mark C. Cotter

PRINT EMPLOYEE NAME

ROOSEVELT S. BAILEY
NOTARY PUBLIC, CLAYTON CO., GEORGIA

MY COMMISSION EXPIRES DECEMBER 7TH, 2006

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**ATLANTA POLICE DEPARTMENT
NOTICE OF FINAL ADVERSE ACTION (NFAA)
OPS CONTROL #: 05-I-0378-SOP**

NAME (LAST, FIRST, MI) Jackson, Kylema		4 DIGIT ID 3584	POSITION # 10209	CLASSIFICATION Officer	DIVISION FOD	SECTION Z3	WATCH Eve
EMPLOYEE STATUS PERMANENT <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> OTHER <input type="checkbox"/>		PERSONNEL ORDER # APD.PO.06.036	DISTRIBUTION 7	EMERGENCY ACTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			

NOTICE OF PROPOSED ADVERSE ACTION (N.P.A.A.) ISSUED ON:

Did employee respond to NPAA? ☒ YES ☐ NO If yes ☐ WRITTEN RESPONSE ☒ PERSONAL RESPONSE DATE RESPONDED 02/01/06
Summary of Employee Response: Employee denied disobeying the supervisor.

FINAL ADVERSE ACTION: *If an emergency action state the nature of the emergency below in the Narrative.*

☒ Suspension without pay for 5 working days.

Was the Notice of Proposed Adverse Action Modified? ☐ YES ☒ NO

Date NPAA Issued
01/25/06

Suspension without pay pending adjudication of criminal charges. ☐ YES ☒ NO

Demotion from _____ to _____

Dismissal.

Other _____

Effective Date of Action
02/08/06

NARRATIVE (Reasons for Adverse/Emergency Action)

The specific disciplinary decision for each Departmental work rule or other violation you were charged with follows below:

RULE VIOLATION

DISCIPLINARY ACTION

4.2.09 OBEYING SUPERVISORY PERSONNEL

5 DAYS OF SUSPENSION

See attached page(s) for the specifics of the violation(s).

TO EMPLOYEE: Pursuant to Labor Management Relations Ordinance Section 114-547, you may appeal any adverse action taken in this matter to the City of Atlanta Civil Service Board by completing the Civil Service Appeal form and submitting it to the Bureau of Labor Relations.

Deputy Chief H. R. Dunovant

TITLE AND NAME OF DISCIPLINARY AUTHORITY (PRINT OR TYPE NAME)

Kylema Jackson 2-3-06

EMPLOYEE SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)

DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE

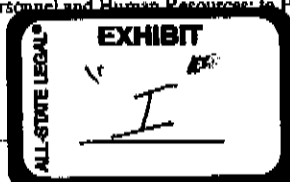
Deputy Chief H. R. Dunovant 2/3/06
H. R. Dunovant 2/3/06

WITNESS SIGNATURE AND DATE

P

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Original to OPS; photocopy: to employee; to employee's supervisor; to Personnel and Human Resources; to Personnel Section (2) & to Chief of Police



ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION

NOTICE OF FINAL ADVERSE ACTION

OPS CONTROL #: 05-I-0378-SOP

NAME (LAST, FIRST, MI)	4 DIGIT ID	POSITION #	CLASSIFICATION
Jackson, Kylema	3584	10209	Officer

NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.2.09 of the Employee Work Rules of this Department. Said Rule states:

OBEYING SUPERVISORY PERSONNEL

Employees will promptly obey all proper and lawful orders of supervisors and other employees assigned to act in a supervisory capacity.

SPECIFICALLY: On May 24, 2005, you failed to follow a direct order that was issued by Sergeant Senzer when you refused to walk a foot beat when you were directed to by your supervisor.

YOUR ACTIONS AS DESCRIBED ABOVE ARE IN VIOLATION OF THE LISTED RULES

Deputy Chief H. R. Dunavant
TITLE AND NAME OF DISCIPLINARY AUTHORITY

Kylema Jackson 2-3-06
EMPLOYEE'S SIGNATURE & DATE (Indicates receipt ONLY, not agreement with action)
Form APD-834 revised 1/1/2000

Deputy Chief H. R. Dunavant 2/3/06
DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE

WITNESS SIGNATURE AND DATE

P- _____

ATLANTA POLICE DEPARTMENT CITIZEN STATEMENT

EMPLOYEE: Jackson, Kyle

WITEN: McCollum, Autumn

OPS # 05-C-0870-MISC

CITIZEN NAME (LAST, FIRST, MI)

MCCOLLUM, AUTUMN R

RACE

W

SEX

F

DOB

1-15-05

DATE & TIME OF STATEMENT

1-15-05 2:00hrs

ADDRESS

Cayle Ct 3003

HOME PHONE

WORK PHONE

I am Sgt M. Harris

of the Atlanta Police Department. By your making this statement

you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

Q: M. please explain to me in your own words about the incident that happened at 448 Boulevard at

the BP Gas station, involving the Atlanta police officer on 11/08/05 while waiting for other members of my motorcycle club to arrive, I observed the officer drive south on moreland Ave, passing the BP at a very slow speed. Approx 5-10 minutes later the same officer returned to our location, exited his vehicle and demanded everyone to leave the premises. There were approx 30 of us trying to get our motorcycle gear on when the police officer demanded again to leave. At this point, the police officer became engaged in a verbal argument with a member of the #1 Stunners who was trying to explain that it takes a few minutes to put all the gear on. The officer then observed the officer unholster his weapon and put it down to his side as if he was using it to intimidate everyone standing around. At no time was there a reason for the officer to unholster his weapon. This situation never escalated to the point of having to use deadly force. During the incident there were other 7

Q: Did you see the officer point his weapon at anyone, and if so how was it pointed? No, it was unholstered and pointed downwards.

Q: What do you feel should happen to the officer?

Counseling on use of force.

Q: Are the statements that you gave true and correct to the best of your knowledge?

yes

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Autumn McCollum

CITIZEN SIGNATURE

Sworn and subscribed to me this 15 day of January in the year 2006

Autumn McCollum

PRINT CITIZEN NAME

Sgt M. Harris

NOTARY PUBLIC



ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT

EMPLOYEE: Jackson, Kyleen CITIZEN: McCallum, Autumn OPS #05-C-0870-MISC

Q: Is there anything else that you want to add to your statement?

people standing around trying to get the officer, the person he was arguing with to stop. The officer then told someone who was helping him de-escalate the situation to be quiet & move on. I believe, being police officer myself, that the officer on scene did not use the appropriate level of force.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Autumn McCallum
CITIZEN SIGNATURESworn and subscribed to me this 15 day of January in the year 2006Autumn McCallum
PRINT CITIZEN NAMESgt. [Signature]
NOTARY PUBLIC

ATLANTA POLICE DEPARTMENT CITIZEN STATEMENT

OPS # 05-C-0870 MISC

EMPLOYEE:

CITIZEN:

CITIZEN NAME (LAST, FIRST, MI) <u>Gree, Jacqueline A</u>	RACE <u>American</u>	SEX <u>F</u>	DOB <u>[REDACTED]</u>	DATE & TIME OF STATEMENT <u>11/6/05 1900</u>
ADDRESS <u>[REDACTED] ATL GA</u>	SSN <u>[REDACTED]</u>	HOME PHONE <u>[REDACTED]</u>		WORK PHONE <u>[REDACTED]</u>

I am Sgt Michael Lewis of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

At about 4:15 this afternoon a Police Officer pulled into the lot at 61P station on Blvd at I-20 exit. he sat in his car a few minutes then got out and began yelling. A couple people laughed as he walked towards the group and he began yelling for everyone to get the fuck out of here and put his hand on his gun. he then pulled it out as he continued yelling with his hand shaking. He also looked very distraught. I yelled out for everyone to leave when he put his gun away and I said I'm calling 911. I called at 4:25 and again at 4:29, I observed him yelling @ Ericka to move her truck but she couldn't because of all the bikes trying to leave. After the bikes left there were about 4 of us that were in our cars. I told them to leave because the 911 Dispatcher told me the Supervisor was coming and to wait for them. The officer approached me and asked if I was waiting for something. I told him the 911 dispatcher told me to wait for his supervisor. He put his hand on his gun and told me the supervisor was gonna tell me the something so I better

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

[Signature]
CITIZEN SIGNATURE

Sworn and subscribed to me this 6 day of Nov in the year 2005

Jacqueline Ann Gree
PRINT CITIZEN NAME

[Signature]
NOTARY PUBLIC

P - 4 [98] 2 - 12



ATLANTA POLICE DEPARTMENT CITIZEN STATEMENT

EMPLOYEE:		CITIZEN:		OPS # 05-C-0870MISC	
CITIZEN NAME (LAST, FIRST, MI) <u>Blakely, Erica</u>		RACE <u>Blk</u>	SEX <u>F</u>	DOB <u>[REDACTED]</u>	DATE & TIME OF STATEMENT <u>11-6-05 14:00</u>
ADDRESS <u>[REDACTED] Dr</u>		SSN <u>[REDACTED]</u>	HOME PHONE <u>[REDACTED]</u>		WORK PHONE <u>[REDACTED]</u>

I am Sgt. Michael Harris of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

Approximately 16:30 an officer entered the BP Gas Station parking lot located at I20 & Boulevard. The officer sat in his car for 10+ minutes without saying anything. He then jump out of his car and aggressively approached our group. He started yelling profanity and pulled his weapons on us without reason. There were a group of about 30-40 motorcyclists at the station. We all felt threatened upon the officer drawing his weapon. We began preparing to leave as the officer demanded. I entered my car and began to leave. I was being courteous and allowing the motorcycles out of the gas station. The officer approached me and began yelling profanity at me to leave. I explained I could not move without hitting anyone. He continued to yell profanity at me until I exited the parking lot. He was extremely threatening to the entire group without cause. The profanity was totally inappropriate.

Question: Was the weapon ever pointed directly at you? No it was not pointed at me directly. But raised at the crowd.

Question: When you say it was raised at the crowd please explain? He drew his weapon and began raising it toward the crowd, probably about lower chest level.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

[Signature]
CITIZEN SIGNATURE

Sworn and subscribed to me this 6 day of November in the year 2005

Erica Blakely
PRINT CITIZEN NAME

[Signature]
NOTARY PUBLIC

P - 4 1997 - 12



ATLANTA POLICE DEPARTMENT CITIZEN STATEMENT

EMPLOYEE: Jackson, Kyleene CITIZEN: Cook, Lerone OPS # 05-C-0870-MISC
 CITIZEN NAME (Last, First, Middle) RACE SEX DOB DATE & TIME OF STATEMENT
 Cook, Lerone Bk M 01/16/06
 ADDRESS SSN HOME PHONE WORK PHONE
 FAX #

I am Sgt M. Harris of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

Q: Mr. Cook, please explain to me in your own words about the incident that has happened at 448 Boulevard at

the BP Gas station, involving the Atlanta police of car # 11AX 05?

SEE SEPARATE SHEET

Q: Did you see the officer point his weapon at any one, and if so, how was it pointed?

SEE SEPARATE SHEET

Q: What do you feel should happen to this officer?

SEE SEPARATE SHEET

Q: Are the statements that you gave true and correct to the best of your knowledge?

SEE SEPARATE SHEET

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Lerone Cook
 CITIZEN SIGNATURE

Sworn and subscribed to me this 16th day of January in the year 2006

Lerone Cook
 PRINT CITIZEN NAME

John H. Ward
 NOTARY PUBLIC

P - 4 - 4 - 12



Q: Mr. Lerone Cook please explain to me in your own words about the incident that happened at 448 Boulevard at the BP Gas station, involving the police officer on 11/06005?

A: On the date & place mention above, we (The #1 Stunna) & other motorcycle groups met up at the location to take pictures at Grant Park. About 45 min to an hour an Atlanta police officer drove past the location & saw us there. He turned around in a vacant parking lot across the street & came over to the parking lot where we were. He stopped his car & yelled with profanity for us to clear the parking lot ASAP. As we were all packing up everything to clear the lot, the officer got out of his car proceed to use profanity at us to leave the lot I guess we wasn't moving fast enough for the officer, because he pulled out his gun & continue to use profanity at us. One of the members in our club must have said something to the officer that I guess he didn't like so walk towards our member. At this time everybody was in an up rage started saying things back towards the officer. People started pulling out cameras & video cameras. While we continued to leave the lot the officer continues to yell with profanity to clear the lot.

Q: Did you see the officer point his weapon at anyone, and if so how was it pointed?

A: I didn't see him point it, but I did see when he pulled the weapon out.

Q: What do you feel should happen to the officer?

A: I think the officer should be put on suspension without pay to demonstrate that this is not how you treat people. Also he should apologize to the motorcycle community in a whole for his behavior, because this affected us all.

Q: Are the statements that you gave true and correct to the best of your knowledge?

A: Yes they are correct to the best of my knowledge.

P-4-5-12

PRECINCT FAX

ATLANTA POLICE DEPARTMENT

CITIZEN STATEMENT

EMPLOYEE: Jackson, Kyle A CITIZEN: Nicole Brown OPS # 05-C-0870-MISC

CITIZEN NAME (Last, First, MI) Nicole Brown	RACE E	SEX F	DOB 1-15-06	DATE & TIME OF STATEMENT 9:10 PM
ADDRESS GA 30219	HOME PHONE [REDACTED]	WORK PHONE [REDACTED]		

I am **Sgt M. Harris** of the Atlanta Police Department. By your making this statement you are providing information in an investigation being conducted by the Atlanta Police Department. Please be advised that your statement and/or your testimony may be needed at a future time for use in a civil service hearing or court of law.

Q: M. please explain to me in your own words about the incident that happened at 448 Boulevard at

the BP Gas station, involving the Atlanta police officer on 11/6/05? We was waiting at the gas station for the rest of our Motorcycle club to come. I just remember when the officer pulled up and got out of his car he told us to leave. We was trying to put our gear on but I guess we was not fast enough for him. He started to curse at us and told us to leave again. A member of the #1st may was trying to explain to him that it takes a ~~minute~~ min for us to put our gear on but he didnt want to hear that either he used the F word and pulled out his gun trying to scare us. He did not point it at anyone he just kind of hold it on the side of his holster.

Q: Did you see the officer point his weapon at anyone, and if so how was it pointed?

No.

Q: What do you feel should happen to the officer?

He need to take a anger management class.

Q: Are the statements that you gave true and correct to the best of your knowledge?

yes

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Nicole Brown
CITIZEN SIGNATURE

Sworn and subscribed to me this 15 day of January in the year 2006

Nicole Brown
PRINT CITIZEN NAME

Sgt M. Harris
NOTARY PUBLIC



ATLANTA POLICE DEPARTMENT
CITIZEN STATEMENT

EMPLOYEE: Jackson, Kylema CITIZEN: Nicole Brown OPS#05-C-0870-MISC

Q: Is there anything else that you want to add to your statement?

After we all put on our gear we ~~were~~ went down the street to the park. I know one of the members recorded some of the incident with his phone camcorder.

I have read or had read to me the above statement and I swear and affirm that it is true to the best of my knowledge and belief.


CITIZEN SIGNATURESworn and subscribed to me this 15 day of January in the year 2006Nicole Brown
PRINT CITIZEN NAME
NOTARY PUBLIC

P - H - 7 - 12



City of Atlanta

Internal Correspondence

Atlanta Police Department

MEMORANDUM

TO: Officer Kylema Jackson
FROM: Major W. Harris, Jr.
DATE: July 21, 2005
RE: Disposition OPS Complaint File: 05-C-0870-MISC

An investigation has been completed into the complaint filed against you alleging misconduct. The complaint has been closed as indicated below:

- ☒ Exonerated - your conduct was determined to be justified, lawful and proper with regards to employee work rule 4.2.02 (Courtsey).
- ☐ Not -Sustained - the investigation did not develop sufficient information to prove or disprove the allegation(s) stated in the complaint.
- ☐ Sustained - the investigation did develop sufficient information to prove the allegation(s) stated in the complaint.
- ☐ Unfounded - the allegation(s) were without factual basis.

WHJ/trb

cc: Major E. Finley
File

[104]



ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

EMPLOYEE NAME (LAST, FIRST, MI) Butler, Elizabeth			CLASSIFICATION Officer	POSITION NUMBER 20644	DATE & TIME OF STATEMENT August 30, 2007 0900	
RACE B	SEX F	DOB [REDACTED]	DATE OF EMPLOYMENT 07-08-97	4 DIGITS ID NO. 2523	DIVISION FOD	SECTION Zone 5
WATCH						

I am Sergeant S. R. Purvis of the Atlanta Police Department. You are being questioned as a WITNESS in an official investigation by the Department. Also present is: N/A

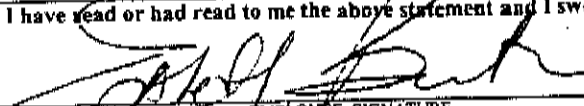
All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

The following statement was typed by Officer E. Butler

Q. What brings you into the Office of Professional Standards today?

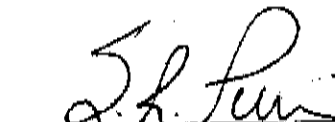
A. On August 28 2007 at approximately 1640 hours, I was working an approved extra job at Lakewood Amphitheater. I was posted in a parking lot at a secured gate. Outside the gate a crowd of people were waiting to enter for a concert. Some of the people had their vehicles parked on the sidewalk as they waited. Two vehicles were parked in front of the outside entrance gate. Traffic was flowing without any obstruction of these vehicles. I heard the people at the gate calling

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

Elizabeth Butler
PRINT EMPLOYEE NAME


NOTARY PUBLIC



ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

me and pointing toward the street, stating "Maam" when are they going to open theses gates? this officer says he is going to give us a ticket and tow our cars if we don't move. I approached the gate and within seconds Officer K. Jackson appeared in front of the gate acting irate and asked me in a nasty tone "When are they going to open the gates?" I remained calm and replied to him "I don't know, I am working for Major Gordon, let me call him. As I removed my cell phone cell phone to call Major Gordon, Officer K. Jackson continued acting irate, walking back and forth on the sidewalk and pointing his fingers toward the ground and stated to the crowd "I don't care what she says, I want these cars moved now or I will give yall a ticket and tow your vehicles." As I was speaking to Major Gordon I observed Trooper Larry Schnall (Georgia State Patrol) approaching me with an unknown male on a golf cart. I turned to Officer K. Jackson and asked him to calm down because I think they are getting ready to open the gates. Officer K. Jackson continued being irate and talking to me with a nasty tone he replied "You ought to know they can't parked" at that time, I request a supervisor to the scene through dispatch. Once Trooper Schnall was at the location, I asked him

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

Elizabeth Butler

PRINT EMPLOYEE NAME

NOTARY PUBLIC

Notary Public, Cobb County, Georgia
My Commission Expires Nov. 4, 2008

ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

what time were they going to open the gates and he replied 5:00. Trooper Schnall observed Officer K. Jackson's behavior and asked me what was the problem. I explained the situation regarding the crowd. At that time Trooper Calvert arrived on the scene on golf cart and he observed Officer K. Jackson's behavior. Trooper Calvert made a phone call to an unknown person and was given permission to open the gates. At that time, Trooper Calvert and I exited the gate and began directing traffic from the sidewalk in the parking lot. Officer K. Jackson entered his vehicle, which was parked northbound blocking a lane of traffic with his blue lights and just sat there blocking traffic. Trooper Calvert asked me was Officer K. Jackson going block traffic preventing cars from turning in the parking lot. I replied "I don't know I am not saying anything to him because he is out of control." Trooper Calvert stated "I will go ask him". Trooper Calvert approached Officer K Jackson's vehicle and as they were talking, it appeared to me that they were in a confrontation, because I observed Trooper Calvert turn to the side and point to his sleeve while pointing his finger. I approached the vehicle and asked Trooper Calvert to leave the vehicle and not argue in public with officer

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

ELIZABETH BUTLER

PRINT EMPLOYEE NAME

S. R. P.

NOTARY PUBLIC

ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

K. Jackson. I advised Trooper Calvert that Officer K. Jackson's supervisor was enroute to the scene. Officer K. Jackson's behavior was an embarrassment to me as well as the city of Atlanta Police Department for the way he acted towards another law enforcement officer from another jurisdiction. Lieutenant Ostey responded to the scene and said he would give Officer K. Jackson a counseling form and I could come and make a statement.

The following questions were prepared by Sergeant S. R. Purvis

- Q. You stated that Officer K. Jackson was acting irate and speaking to you in an irate manner. What specifically did Officer K. Jackson say to you?
- A. He yelled at me, "What time are they gonna open the gates?" He yelled at me out loud so the crowd could hear, "They cannot park over here. You ought to know that." He was raising his voice to me and the crowd walking backwards and forwards pointing his finger at the crowd and myself.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

PRINT EMPLOYEE NAME

NOTARY PUBLIC

Notary Public, GA
My Commission Expires Nov. 4, 2008

ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

Q. Did Officer K. Jackson speak to the State Troopers the same way he spoke to you?

A. Yes.

Q. What were the names of the State Troopers?

A. Officer K. Jackson had the confrontation with Trooper Corporal R. M. Calvert. Senior Trooper Larry Schnall listened and witnessed the confrontation.

Q. Describe to me what happened when Lieutenant Ostey arrived on the scene?

A. I spoke with Lieutenant Ostey and talked about Officer K. Jackson's behavior. I advised him of the confrontation that I observed between Officer Jackson and Trooper Calvert. Lieutenant Ostey spoke to Trooper Calvert about what happened. Lieutenant Ostey advised both myself and Trooper Calvert to make written statements. Lieutenant Ostey left only to return about two or three hours later to get our statements. Trooper Calvert and myself did not have statements written. I said I would write it and give it to him later. Lieutenant Ostey told me he was going to issue a written counseling for Officer K. Jackson, but said I could also come to OPS and make a statement if I chose to. I felt more comfortable coming to OPS.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

PRINT EMPLOYEE NAME

NOTARY PUBLIC

ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer K. Jackson

OPS #

Q. Did Officer K. Jackson ever use profanity towards you or the troopers?

A. No.

Q. Were there any civilian witnesses?

A. There probably were, but I do not have any of their information.

Q. Would you like to add anything else to your statement at this time?

A. No.

Q. Have you been honest to the best of your ability in making your statements to me today?

A. Yes.

Q. I am advising you that this investigation may require you to submit to a Computer Voice Stress Analysis Exam per APD.SOP.3120. Do you acknowledge this notification?

A. Yes.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 30 day of August in the year 07

PRINT EMPLOYEE NAME

Notary Public, State of Georgia
My Commission Expires Nov. 4, 2008

ATLANTA POLICE DEPARTMENT INVESTIGATION DISPOSITION FORM

EMPLOYEE: Jackson, Kylema

OPS CONTROL #: 07-I-0535-MISC

I. FINDING OF FACT: (LIST FACTS IN SIMPLE SENTENCES; DO NOT INCLUDE DISCIPLINARY ACTION RECOMMENDATIONS.)

- 1) That Officer Jackson did observe illegally parked vehicles, while on patrol.
- 2) That Officer Jackson did discuss the situation with Officer Butler.
- 3) That Officer Jackson did contact a supervisor about the situation.
- 4) That Officer Jackson spoke to a Trooper on scene.
- 5) That the Trooper did point at his shoulder patch.
- 6) That Officer Jackson did state that he was not concerned about who the Trooper claimed to be.
- 7) That the statements made by Officer Jackson were insensitive to the Trooper, and caused an escalation of the situation.
- 8) That the initial situation was resolved when the gates were opened.

II. PROCEDURE, POLICY OR TRAINING RECOMMENDATIONS: (DO NOT RECOMMEND DISCIPLINARY ACTION)

The attendance of a sensitivity course by Officer Jackson might assist him, when dealing with citizens and other law enforcement. This has not been the first instance in which a complaint has been received about Officer Jackson's attitude and courtesy toward others. Without some form of training, this type of situation will continue, and cause unforeseen problems for the department and Officer Jackson.

III. INVESTIGATIVE DISPOSITION (INDICATE RECOMMENDED DISPOSITION FOR EACH WORK RULE)

RULE <u>4.2.02</u>	SUSTAINED <input checked="" type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>

IV. REVIEWING SIGNATURES (DOES NOT INDICATE AGREEMENT)

<u>[Signature]</u>	<u>10-17-07</u>	<u>[Signature]</u>	<u>10-19-07</u>
INVESTIGATING SUPERVISOR	DATE	UNIT COMMANDER	DATE
<u>[Signature]</u>	<u>10-26-07</u>	<u>[Signature]</u>	<u>10-26-07</u>
ASSISTANT SECTION COMMANDER	DATE	SECTION COMMANDER	DATE

[111]





MEMORANDUM

TO: MAJOR C. J. DAVIS
FROM: LIEUTENANT J. CUMMINGS
DATE: APRIL 30, 2008
**RE: INVESTIGATION AND DISPOSITION OF
OPS FILE #07-I-0535-MISC**

An investigation of the allegations of this complaint and any other allegations, which arose during the investigation, has been completed. **The following represents the findings of this investigation:**

I. INVESTIGATIVE DISPOSITION

a. of the Complaint against

Officer Kylema Jackson

[X] Sustained:

4.2.02 (Courtesy)



ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: Jackson, Kyle

OPS # 08-2-0067-CT3y

EMPLOYEE NAME (LAST, FIRST, MI) BALL, Kedria			CLASSIFICATION Dispatcher	POSITION NUMBER 19201	DATE & TIME OF STATEMENT 2/7/08 0400
RACE B	SEX F	DOB [REDACTED]	DATE OF EMPLOYMENT 9-23-03	IDENTIFICATION NO. 3888	DIVISION SSD
Investigator's Name I am R. L. Faina			of the Atlanta Police Department		You are being questioned as a Witness

in an official investigation by the Department. Also present is:

REPRESENTATIVE'S NAME:
N/A

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

On 2-6-08 while dispatching on Zone 3 I attempted to raise unit 3306. (Officer K. Jackson) I was checking on him to see if he was still out on his call. (Cads #08371740) The officer went to the precinct with a female at 1934 hrs. he had been out on the call over 99 minutes. On my first attempt to raise him he did not answer. On my second attempt the unit finally answered. When I asked him was he still at the precinct. he answered in a mean and nasty tone. Officer Jackson advised me that he was at Property. I sent him a message via MDT saying, "It makes no sense for you to be so nasty." The officer (Officer Jackson) then messaged me back saying "Go to Hell Bitch."

Q. Has Officer Jackson failed to respond when you have raised him in the past?

A. Yes, several times.


Q. Did Officer Jackson spell out Go to Hell Bitch exactly in his return message?

A. No, he used symbols. They were, "Go to H#@! B#@ch."

Q. What exactly did you send him on the MDT?

A. I sent, "It makes no sense for you to be so nasty."

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 7th day of February in the year 2008

Kedria Ball
PRINT EMPLOYEE NAME

K. Conner
NOTARY PUBLIC



ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Jackson, Kylema

OPS # 08-I-0067-CTsy

Q. Prior to sending the above message to him, had you sent him a message before?

A. No.

Q. Has Officer Jackson sent you inappropriate messages prior to this incident?

A. Yes, he sent the same thing last week but I didn't say anything.

Q. What were his exace words when he answered you on the radio on the second attempt?

A. " No radio!" " I'm at property!"

Q. Do you wish to add anything to this statement?

A. No, it speaks for it's self.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

Kylema Ball
EMPLOYEE SIGNATURE

Sworn and subscribed to me this 1th day of February in the year 2008

Kedra Ball
PRINT EMPLOYEE NAME

K. Christopher
NOTARY PUBLIC

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: Officer Jackson, Kylema

OPS # 08-I-0067-CTSY

EMPLOYEE NAME (LAST, FIRST, MI) Jackson, Kylema			CLASSIFICATION Police Officer	POSITION NUMBER 22699	DATE & TIME OF STATEMENT Feb 07, 2008 1600	
RACE Black	SEX Male	DOB [REDACTED]	DATE OF EMPLOYMENT 07-16-02	4 DIGIT ID NO. 3584	DIVISION FOD	SECTION Zone 3
					WATCH Eve	
Investigator's Name I am Sgt. C.W. Hewitt of the Atlanta Police Department					You are being questioned as a Accused	

in an official investigation by the Department. Also present is: REPRESENTATIVES NAME:
Flo Cook (IBPO)

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

Q: On February 6, 2008, were you working as unit 3306, during evening watch hours.
A: Yes

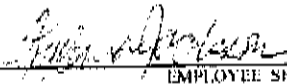
Q: Were you raised by the Zone Three dispatcher, as she attempted to check on your status?
A: Yes, on the surveillance channel

Q: Did you hear the dispatcher on the main channel raise you?
A: No, because I was on the surveillance channel waiting for unit 3309 to advise if he had found a set of my handcuffs.

Q: Did you respond to her first attempt to raise you?
A: Yes, I did.

Q: In what tone did you respond to the dispatcher at this point.
A: I responded to her in my normal tone, after the dispatcher asked me in an irate manner if I was still out on my call.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.



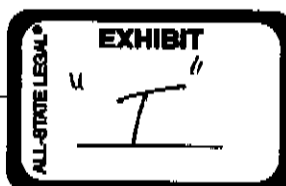
EMPLOYEE SIGNATURE

Sworn and subscribed to me this 07 day of February in the year 2008

Jackson, Kylema

PRINT EMPLOYEE NAME

NOTARY PUBLIC



ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: Officer Jackson, Kylema

OPS # 08-I-0067-CSTY

Q: Did you send the dispatcher any text messages via the mobile data terminal (MDT)?

A: Yes

Q: What did the message state?

A: Go to H@#l B#@CH

Q: Why did you send this message to the dispatcher?

A: I don't have an explanation for it; I was frustrated after I had answered her several times, regarding my status. I have had problems with this dispatcher's attitude and tone of voice in the past.

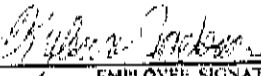
Q: Is there anything else that you would like to add to your statement?

A: Yes, It is unfortunate that the situation rose to this level. I am hopeful that this does not happen again

Q: I am advising you that this investigation may require you to submit to a Computer Voice Stress Analysis Exam per APD SOP 3120. Do you acknowledge this notification?

A: Yes

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.



EMPLOYEE SIGNATURE

Sworn and subscribed to me this 07 day of February in the year 2008

Jackson, Kylema

PRINT EMPLOYEE NAME

NOTARY PUBLIC

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: <u>Officer Jackson, Kylema</u>				OPS #	
EMPLOYEE NAME (LAST, FIRST, MI) <u>Jackson, Kylema</u>			CLASSIFICATION <u>Police Officer</u>	POSITION NUMBER <u>22699</u>	DATE & TIME OF STATEMENT <u>Feb 17, 2008 1900</u>
RACE <u>Black</u>	SEX <u>Male</u>	DOB <u>[REDACTED]</u>	DATE OF EMPLOYMENT <u>07-16-02</u>	DIGIT ID NO. <u>3584</u>	DIVISION <u>FOD</u>
				SECTION <u>Zone 3</u>	WATCH <u>Eve</u>
Investigator's Name <u>I am Sgt. C.W. Hewitt</u>					of the Atlanta Police Department You are being questioned as a <u>Accused</u>
in an official investigation by the Department. Also present is:					REPRESENTATIVES NAME: <u>N/A</u>

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

Questions prepared by Sgt. C.W. Hewitt on February 17, 2008

Q: Have you sent Dispatcher Ball any M.D.T. Messages similar to the message that you sent her on February 06, 2008?

A: Yes, just once before.

Q: What did the message state?

A: The same message.

Q: Do you have anything further to add to this statement?

A: No.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.



EMPLOYEE SIGNATURE

Sworn and subscribed to me this 17 day of February in the year 2008

Jackson, Kylema

PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 6 - 3 - 3
[117]

ATLANTA POLICE DEPARTMENT INVESTIGATION DISPOSITION FORM

EMPLOYEE: Jackson, Kylema

OPS CONTROL #: 08-1-0067-CSTY

I. FINDING OF FACT: (LIST FACTS IN SIMPLE SENTENCES; DO NOT INCLUDE DISCIPLINARY ACTION RECOMMENDATIONS.)

- 1) That Officer Jackson was working as unit 3306 on the date in question.
- 2) That Officer Jackson did have correspondence with the Zone Three dispatcher via the Mobile Data Terminal.
- 3) That Officer Jackson did send the Zone Three dispatcher a message containing profane language on the date in question.
- 4) That Officer Jackson did send the Zone Three dispatcher the same message on a previous date.

II. PROCEDURE, POLICY OR TRAINING RECOMMENDATIONS: (DO NOT RECOMMEND DISCIPLINARY ACTION)

It would be wise to place Officer Jackson onto Early warning at this time and monitor any future incidents. In addition to this, possible sending Officer Jackson for a psychiatric evaluation would be beneficial to find out if there is anything that is troubling him and affecting his work performance. Lastly, with the increased number of complaints that Officer Jackson has received since August, 2007, a possible change in assignment to where Officer Jackson has minimum contact with the public would benefit the department and Officer Jackson until it can be determined if there is an underlying problem. (Property Section or Central Records are some suggestions.)

III. INVESTIGATIVE DISPOSITION (INDICATE RECOMMENDED DISPOSITION FOR EACH WORK RULE)

RULE <u>4.2.02</u>	SUSTAINED <input checked="" type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>
RULE _____	SUSTAINED <input type="checkbox"/>	NOT SUSTAINED <input type="checkbox"/>	EXONERATED <input type="checkbox"/>	UNFOUNDED <input type="checkbox"/>	EXCEPTIONALLY CLOSED <input type="checkbox"/>

IV. REVIEWING SIGNATURES (DOES NOT INDICATE AGREEMENT)

<u>H. 176</u>	<u>02-20-08</u>	<u>LT 743</u>	<u>02/21/08</u>
INVESTIGATING SUPERVISOR	DATE	UNIT COMMANDER	DATE
<u>A. Scott</u>	<u>2/27/08</u>	<u>WRE</u>	<u>2-28-08</u>
ASSISTANT SECTION COMMANDER	DATE	SECTION COMMANDER	DATE





Atlanta Police Department

MEMORANDUM

TO: Command Staff

FROM: Sgt. C.W. Hewitt

DATE: February 20, 2008

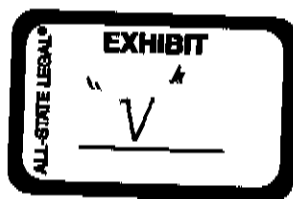
RE: OPS Complaint 08-I-0067-CSTY

I have completed the OPS package pertaining to a complaint of Officer Jackson being discourteous to fellow employees. During this investigation, it was determined that Officer Jackson did write a profane message to the dispatcher. This was not just a one time occurrence but happened twice within a week.

Officer Jackson needs to be held accountable for his actions. The fact that Officer Jackson makes these blatant violations of Standard Operating Procedures is a sign of Officer Jackson's obvious unconcern with the position he holds. Based on the findings of this investigation, Officer Jackson's discipline worksheet, I have made a recommendation of a **Three day suspension**. This concludes my investigation.

c:

[119]



ATLANTA POLICE DEPARTMENT

PRELIMINARY COMPLAINT FORM

☒ OPS INVESTIGATION

☐ COMMAND INVESTIGATION

COMPLAINT NUMBER **08-115-2064**

OPS CONTROL NUMBER **08-C-0359-UAF**

DATE & TIME COMPLAINT RECEIVED				DATE OF INCIDENT				ADDRESS OF OCCURRENCE			
MO	DAY	YR	TIME	MO	DAY	YR	TIME	5 CHARLESTON AVENUE SE ATLANTA, GA			
05	22	08		04	24	08	2100				
BRIEFLY DESCRIBE ALLEGATIONS								AUDIO AND VIDEO TAPES THAT ARE PART OF THIS FILE			
								VIDEO TAPES OF INTERVIEWS	<input type="checkbox"/>	AUDIO TAPES OF 911 RADIO	<input checked="" type="checkbox"/>

THE DEPARTMENT REQUIRES AN INVESTIGATION INTO THE ALLEGATIONS THAT OFFICER KYLEMA JACKSON USED UNNECESSARY FORCE AGAINST THE COMPLAINANT, KENNEDY CARROLL, AND DID NOT REPORT IT IN A TIMELY MANNER ON 04-24-08.
APD.SOP.2010/WR: 4.2.50, 2.51 & 2.33

COMPLAINANT INFORMATION												
USE "C" FOR COMPLAINANT, USE "P" FOR PARENT OR GUARDIAN, USE "W" FOR WITNESS, USE "S" FOR SUPERVISOR												
CODE	NAME (LAST, FIRST, MI)						RACE	SEX	DOB			
C	CARROLL, KENNEDY						B	M	[REDACTED]			
RESIDENT ADDRESS						HOME PHONE		BUSINESS PHONE				
[REDACTED] SE ATLANTA, GA 30315						[REDACTED]		[REDACTED]				
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID #	SUSPECT WEAPON		WEAPON SERIAL #		
INJURED RIBS												
BIASED BASED INCIDENT DESCRIPTION						AGE	RACE	SEXUAL ORIENTATION	GENDER	CLASS		
N/A												
ACCUSED #1 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID	
JACKSON, KYLEMA						OFC	B	M	[REDACTED]	07-16-02	3584	
ASSIGNMENT						DUTY STATUS		FIREARMS DISCHARGE ONLY				
DIVISION	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	WEAPONS SERIAL #		# SHOTS		
FOD	Z3	EVE	X									
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NO	TYPE OF DRUG TEST				
ACCUSED #2 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID	
ASSIGNMENT						DUTY STATUS		FIREARMS DISCHARGE ONLY				
DIVISION	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	WEAPONS SERIAL #		# SHOTS		
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NO	TYPE OF DRUG TEST				
ACCUSED #3 NAME (LAST, FIRST, MI)						RANK	RACE	SEX	DOB	DOE	4 DIGIT ID	
ASSIGNMENT						DUTY STATUS		FIREARMS DISCHARGE ONLY				
DIVISION	SECTION	WATCH	ON DUTY	OFF DUTY	TMP ASGN	XTRA JOB	WEAPON	WEAPONS SERIAL #		# SHOTS		
DESCRIBE INJURIES						HOSPITAL TAKEN TO	PHOTO ID NO	TYPE OF DRUG TEST				
SUPERVISOR RECEIVING COMPLAINT						INVESTIGATOR ASSIGNED			DATE ASSIGNED	DATE COMPLETE		
LIEUTENANT K. IOSTY						INVESTIGATOR C. EHLBECK			05-22-08			

P - 3 - 1 - 1







MAPQUEST

Location A: 5 Charleston Ave (arrest location)

Location B: 1683 Lakewood Ave (Marathon Gas Station)






Location C: 460 Sawtell Ave (roadblock location)

A: 5 Charleston Ave SE, Atlanta, GA 30315-5201

- | | | |
|--|---|--------|
|  | 1: Start out going NORTHWEST on CHARLESTON AVE SE toward LIVERMORE ST SE. | 0.0 mi |
|  | 2: Turn LEFT onto LIVERMORE ST SE. | 0.0 mi |
|  | 3: Turn RIGHT onto LAKEWOOD AVE SE. | 0.0 mi |
|  | 4: End at 1683 Lakewood Ave SE Atlanta, GA 30315-5250 | |

Estimated Time: 0.40 minutes Estimated Distance: 0.08 miles

B: 1683 Lakewood Ave SE, Atlanta, GA 30315-5250

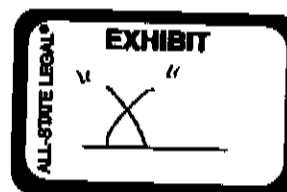
- | | | |
|---|---|--------|
|  | 1: Start out going SOUTH on LAKEWOOD AVE SE toward LIVERMORE ST SE. | 0.0 mi |
|  | 2: Turn LEFT onto LIVERMORE ST SE. | 0.1 mi |
|  | 3: Turn RIGHT onto RICHMOND AVE SE. | 0.2 mi |
|  | 4: Turn LEFT onto SAWTELL AVE SE/GA-54 CONN. | 0.2 mi |
|  | 5: End at 460 Sawtell Ave SE Atlanta, GA 30315-5218 | |

Estimated Time: 1 minute Estimated Distance: 0.51 miles

C: 460 Sawtell Ave SE, Atlanta, GA 30315-5218

Total Time: 2 minutes Total Distance: 0.58 miles

P-19-1-2^[121]

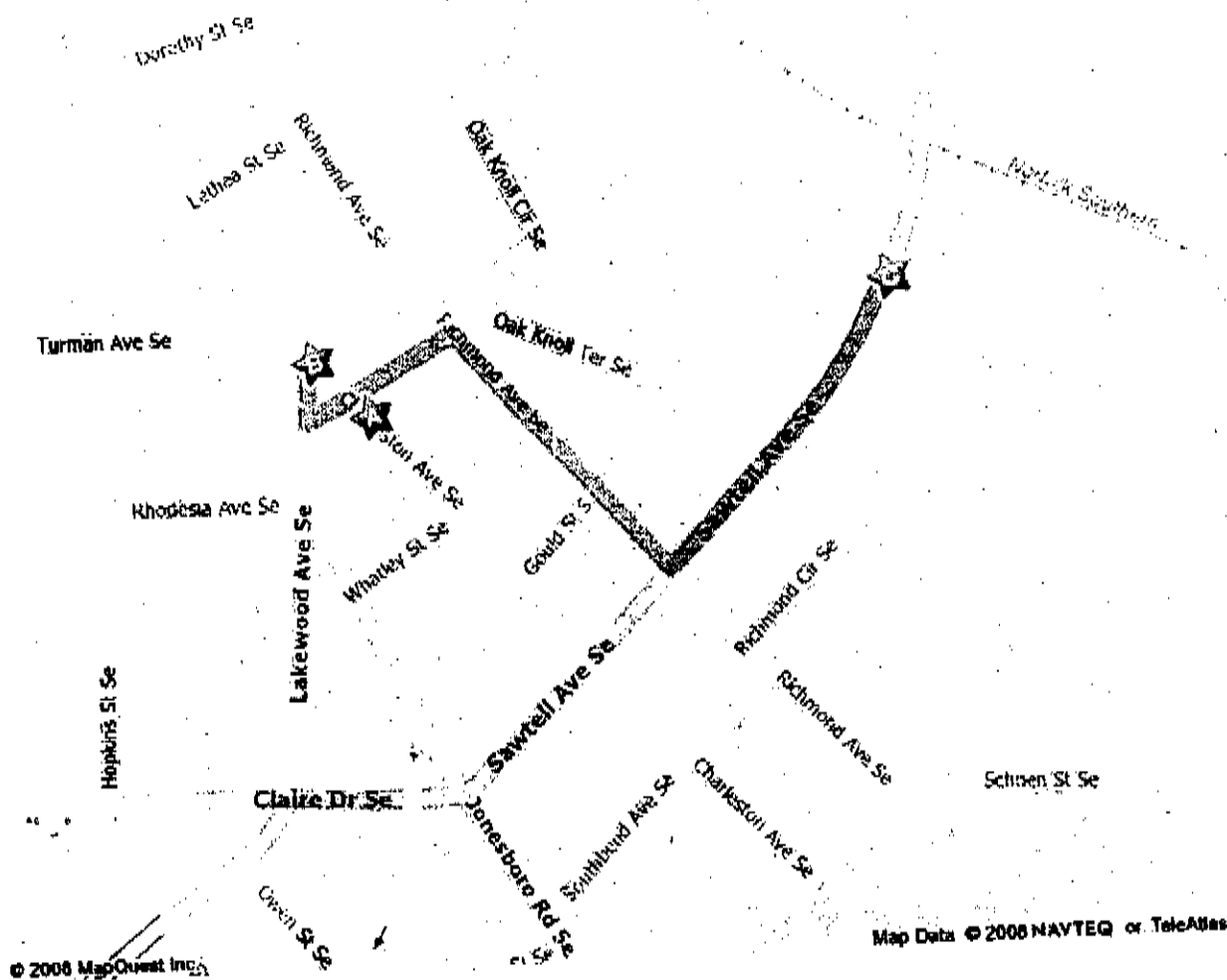


MAPQUEST

Margaret St

Se

0 100 m 300 ft



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P-19-2-2^[122]

ATLANTA POLICE DEPARTMENT EMPLOYEE STATEMENT

EMPLOYEE: JACKSON, KYLEMA

OPS #

EMPLOYEE NAME (LAST, FIRST, MI) HEWITT, Christopher			CLASSIFICATION SERGEANT	POSITION NUMBER 22625	DATE & TIME OF STATEMENT 05-04-08/1930	
RACE W	SEX M	DOB [REDACTED]	DATE OF EMPLOYMENT 06-19-2002	IDGIFT ID NO. 3572	DIVISION FOD	SECTION ZONE3
					WATCH EVE	

Investigator's Name
I am **SERGEANT R. KEENEY** of the Atlanta Police Department You are being questioned as a **WITNESS**
in an official investigation by the Department. Also present is: REPRESENTATIVES NAME:
N/A

All employees must answer questions and make available relevant materials or sworn statements concerning an investigation of allegations of employee misconduct when directed to do so by a disciplinary authority or duly appointed investigator. Employees may obtain representation but cannot delay questioning for more than three hours beyond the time he or she was notified of the questioning. Except as authorized or required, an employee shall not interfere with nor contact persons involved in an internal investigation nor disclose or discuss with anyone except the designated Departmental authority the existence or facts of an internal investigation. This restriction will not be construed to prohibit an employee from discussing any aspect of the investigation with his or her representative. Administrative statements made by employees and evidence gained by reasons of such statements may not be used against the employee in criminal proceedings involving the employee except in cases of perjury.

Q: ON 04-24-2008 AT APPROXIMATELY 2029 HRS. WERE YOU ON-DUTY?

A: Yes.

Q: IN WHAT CAPACITY?

A: Zone Three "A" Sector Sergeant.

Q: PLEASE EXPLAIN WHEN YOU FIRST LEARNED OF OFFICER JACKSON DEPLOYING HIS CITY ISSUED OLEORESIN CAPSICUM (OC) SPRAY AGAINST MR. CARROLL.

A: I was conducting a roadblock at 460 Sawtell Ave. The zone prisoner transport van was stationed at this location and was requesting anyone who had prisoners to be transported to come to this location. During the roadblock Officer Jackson came to drop a prisoner off. The van driver was occupied with another prisoner and a call was dispatched on 306's beat. I went to Officer Jackson and told him I would take his prisoner from him so he could pick up the call on his beat. As I opened the rear of Officer Jackson's patrol car, the prisoner later identified as Mr. Carroll, started to complain that his eyes hurt. I asked Mr. Carroll why his eyes hurt. Carroll stated that the officer sprayed him. I asked Carroll what was sprayed and he responded "the officer's mace". This was the first that I had heard of that O.C. Gas was deployed. No, radio transmission was heard previous to this comment. I turned to Officer Jackson and asked him if he did use his O.C. gas. Officer Jackson stated that he sprayed a "light mist" at Mr. Carroll. I then asked Officer Jackson if he notified Lt. Iosty or the dispatcher of this incident, knowing that he had not notified me of it. Officer Jackson stated that he had not notified anyone yet. I then asked Officer Jackson if he had

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 04 day of MAY in the year 2008

Sgt. C.W. Hewitt

PRINT EMPLOYEE NAME

NOTARY PUBLIC

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ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: JACKSON, KYLEMA

OPS #

given Mr. Carroll any medical attention yet. Again he stated "no", I then ordered Officer Jackson to call for an ambulance to respond and give medical attention to Mr. Carroll. Officer Jackson did finally request an ambulance, but failed to advise what it was needed for. At this time I notified the dispatcher of the situation. Officer Jackson had been sitting at the roadblock for about 5-10 minutes, prior to me coming to take the prisoner. During this time he did not let me know of the use of force incident.

Q: DID MR. CARROLL MAKE ANY STATEMENTS TO YOU AT THE TIME?

A: Mr. Carroll was in an intoxicated state and the only thing that I was able to understand was that, Mr. Carroll stated that the officer had stopped him and put him on the car. When he (Carroll) turned his head to talk to the officer that is when he was sprayed. Mr. Carroll also stated that after he was placed in the back of the patrol car, Officer Jackson sprayed him again and started to hit him several times with his fists.

Q: DID MR. CARROLL APPEAR TO BE UNDER THE INFLUENCE OF ANY ALCOHOLIC BEVERAGE OR UNKNOWN NARCOTIC? IF "YES", PLEASE EXPLAIN.

A: Yes, Mr. Carroll was irate in his behavior. He smelled of an alcoholic beverage, had very slurred speech, and an unsteady gait.

Q: DID MR. CARROLL HAVE ANY SIGNS OF BRUISING, SWELLING OR LACERATIONS THAT WOULD SUPPORT HIS ALLEGATION OF UNNECESSARY FORCE USED AGAINST HIM?

A: I did not note any swelling, bruising or lacerations to Mr. Carroll face or body.

Q: DID YOU INSPECT THE BACK OF THE PATROL VEHICLE WHERE MR. CARROLL WAS SITTING FOR ANY SIGNS OR SMELLS OF SPRAY?

A: Yes.

Q: WHAT DID YOU DISCOVER?

A: I did inspect the rear of the patrol vehicle and did not find any residue or signs that oc.gas was sprayed in the rear of the vehicle.

Q: DID OFFICER JACKSON MAKE ANY STATEMENTS TO YOU ABOUT WHY HE HAD TO "SPRAY" MR. CARROLL?

A: Officer Jackson stated that Mr. Carroll pulled away from him as he went to hand cuff Carroll.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.

EMPLOYEE SIGNATURE

Sworn and subscribed to me this 04 day of MAY in the year 2008

PRINT EMPLOYEE NAME

NOTARY PUBLIC

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ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT

EMPLOYEE: JACKSON, KYLEMA

OPS #

Q: DID OFFICER JACKSON SAY WHY HE DID NOT NOTIFY YOU ABOUT THE INCIDENT?

A: Officer Jackson stated that the incident had just occurred and he was going to wait till he brought Carroll down to the roadblock. Officer Jackson later stated during our conversation that he did not provide medical attention to Mr. Carroll, because he "wanted to teach Carroll a lesson".

Q: DID OFFICER JACKSON SAY WHY HE DID NOT START AN AMBULANCE FOR MR. CARROLL AFTER HE WAS EXPOSED TO THE OC SPRAY?

A: Officer Jackson later during our conversation that he did not provide medical attention to Mr. Carroll, because he wanted to teach Carroll a lesson.

Q: DID YOU NOTIFY LIEUTENANT IOSTY ABOUT THE INCIDENT? IF SO, HOW?

A: I did call Lieutenant Iosty shortly after I learned of the incident and I typed a memorandum to him.

Q: IN YOUR MEMORANDUM YOU STATED THAT YOU OBSERVED OFFICER JACKSON AND MR. CARROLL ARGUING, BUT YOU COULD NOT HEAR WHAT THEY WERE ARGUING ABOUT. THEN, AS YOU WALKED OVER TOWARDS THEM THE ARGUMENT STOPPED. DID OFFICER JACKSON TELL YOU WHAT THEY WERE ARGUING ABOUT?

A: No he did not tell me what the argument was about.

Q: DID MR. CARROLL TELL YOU WHAT THEY WERE ARGUING ABOUT?

A: No.

Q: HOW LONG AFTER OFFICER JACKSON ARRIVED AT 460 SAWTELL AVENUE DID THEIR ARGUMENT OCCUR?

A: This was about 15 to 20 minutes after they arrived.

Q: DO YOU HAVE ANYTHING ELSE TO ADD TO YOUR STATEMENT?

A: Just that Officer Jackson had plenty of time to notify a supervisor of this incident.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 04 day of MAY in the year 2008

Sgt. C. W. Hewitt
PRINT EMPLOYEE NAME

NOTARY PUBLIC

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**ATLANTA POLICE DEPARTMENT
EMPLOYEE STATEMENT**

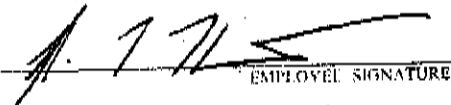
EMPLOYEE: JACKSON, KYLEMA

OPS # _____

Q: I AM ADVISING YOU THAT THIS INVESTIGATION MAY REQUIRE YOU TO SUBMIT TO A
COMPUTER VOICE STRESS ANALYSIS (CVSA) EXAM PER APD SOP 3120. DO YOU
ACKNOWLEDGE THIS NOTIFICATION?

A: Yes.

I have read or had read to me the above statement and I swear or affirm that it is true to the best of my knowledge and belief.


EMPLOYEE SIGNATURE

Sworn and subscribed to me this 04 day of MAY in the year 2008

Sgt. C.W. Hewitt
PRINT EMPLOYEE NAME

NOTARY PUBLIC

P - 2126⁴ - 7



MEMORANDUM

TO: Major L. A. Hagin
FROM: Lieutenant S. D. Sheffield *SDS/AS*
DATE: September 4, 2008
RE: Investigation and Disposition of
OPS File #08-C-0359-UAF

An investigation of the allegations of this complaint and any other allegations, which arose during the investigation, has been completed.

The following represents the findings of this investigation:

I. INVESTIGATIVE DISPOSITION

- | | |
|-----------------------------|---|
| a. Of the Complaint against | Officer Kylema Jackson |
| [X] Not Sustained | 4.2.50 Maltreatment or Unnecessary Force |
| [X] Sustained | 4.2.51 Reporting Required When Force Used |
| [X] Sustained | 4.2.33 Conformance to Directives (APD.SOP.3040 Weapons) |
| [X] Sustained | 4.1.04 Conduct |





MEMORANDUM

TO: Major E. B. Dancy
FROM: Lieutenant D. Ferguson
DATE: March 20, 2013
RE: Investigation and Disposition
OPS File # 12-C-0811-UAF

An investigation of the allegations of this complaint and any other allegations, which arose during the investigation, has been completed.

The following represents the findings of this investigation:

I. INVESTIGATIVE DISPOSITION

Of the Complaint against:	Officer Kylema Jackson
[X] Sustained	4.1.01 Appropriate Action Required
[X] Sustained	4.2.38 Outside Employment
[X] Sustained	4.2.50 Maltreatment or Unnecessary Force
[X] Sustained	4.2.51 Reporting Required When Force Used



II. POLICY OR PROCEDURAL CHANGES, TRAINING,
RECOMMENDATIONS, AND/OR COMMENTS

The Department requires an investigation into the allegation that Officer Jackson used unnecessary force against the daughter of Mrs. Anita Butts, [REDACTED], while working as a Courtesy Officer. Officer Jackson also did not notify a supervisor about the use of force he used.

A review of the complaint file indicates the following:

Officer Ashley Gibson responded to a 911 call from Mrs. Anita Butts referencing an off-duty officer who injured her daughter. Mrs. Butts stated that Officer Jackson forcibly removed her daughter from the complex located at 12 Melden Ave., the Columbia Blacksheer Apartments. The daughter, Athirat Butts, was visiting her grandmother apartment # [REDACTED].

At the Time Mrs. Butts and her daughter completed witness statements for Officer Gibson. [REDACTED] stated that she was in the apartment complex's shared computer room when Officer Jackson got her attention and told her she had to leave. Officer Jackson was not in uniform but introduced himself as the Courtesy Officer. She stated he then followed her to her grandmother's apartment where she said under her breath, "bitch". As she attempted to close the apartment door Officer Jackson stuck his foot in the threshold preventing it from closing. She then stated he grabbed her arm, and pulled her, which caused bruising to her arm. She stated Officer Jackson told her, "she would be leaving out of the apartment burning with the tear gas in her face" if she did not leave. Officer Jackson then escorted her from the apartment complex outside, and into the rain. Photos of her bruised arm are included in the investigation package.

When Mrs. Butts arrived at the complex she discovered her daughter outside standing in the rain. Later the two went to Officer Jackson's apartment to inquire as to what happened during the incident.

Mrs. Butts stated when Officer Jackson came to the door he had a handgun in his hand and was wearing a T-shirt and boxer shorts. She stated that Officer Jackson told her, "He should have to lock her ass up for trust pass." She continued to state that he told her he would have to banned her from the property.

Officer Jackson stated he was working as the Courtesy Officer at the apartment complex when he observed [REDACTED] in the computer room. He recognized that she was not a resident and he told her she had to leave. He stated that she told him she was visiting her grandmother, who is a resident of the apartments. Officer Jackson stated that she became belligerent and used profanity when she called him, "bitch" and "nigger". This is when he grabbed her arm and she pulled away. He told her she was being disorderly and needed to leave the property. This is when he removed her from the property.

Officer Jackson stated that Mrs. Butts and her daughter went to his apartment later that night, to inquire about the incident. He stated he was in his boxer shorts and did have his handgun in his hand. First he stated, he does not recall Mrs. Butts telling him about the injury to her daughter. Later in his statement he admits to being made aware of the mark on her arm when Mrs. Butts and her daughter came to his door. The statement contradicts his previous statement that he did

not recall if she was injured. He did not call for a supervisor or for an ambulance to treat her daughter.

Officer Jackson stated that the property management has instructed him to remove unauthorized persons from the property, and he admits it is his practice to enforce the rules and regulations of the apartment complex. He believed that Athirat Butts had violated the law and he had the right to remove her from the property.

Officer Jackson stated he did not say, "Hell yes, I am the police, you came to my door" nor did he call [REDACTED] a "lifeless bum".

Officer Gibson investigated the incident and advised Sergeant James Hoos of her findings. Sergeant Hoos responded to the scene and completed a Use of Force report.

Based upon my review of this file, I recommend that the allegation against Officer Jackson for the Work Rule of 4.1.01 **Appropriate Action Required**, be sustained. The Work Rule reads:

4.1.1 Appropriate Action Required

1. Employees shall respond in an appropriate manner to all situations by:
2. Being considerate of the rights, feelings, and interests of all persons.
3. Taking action in each situation to provide the necessary and appropriate service and insuring the proper notification of supervisors when appropriate.
4. Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstances, or not within the scope of authority of the employee of whom such action was requested.
5. Performing official acts in a lawful, restrained, dignified, impartial, and reasonable manner.

He had no right to remove [REDACTED] from the apartment complex. No member of management had given her a Criminal Trespass warning, and she was visiting her blind grandmother who is in need of her granddaughter's assistance. Officer Jackson was enforcing apartment policy and never once had Probable Cause to physically touch and remove Athirat Butts. During all his interactions with the apartment residents and visitors he never once wore an Atlanta Police uniform, presented any Atlanta Police identification, and did not have authorization from the City of Atlanta to work as a Courtesy Officer at the complex.

I recommend that the allegation against Officer Jackson for the Work Rule of 4.2.38 **Outside Employment**, be sustained. The Work Rule reads:

4.2.38 Outside Employment

1. Employees shall not engage in any employment outside the Department without the prior written permission of the Chief of Police or his or her designee.

Officer Jackson stated he "faxed" a copy of his application to be a Courtesy Officer for the apartment complex to the Personnel Unit. He felt this was sufficient notification to work in an off-duty capacity.

Per APD.SOP.2060 (Extra Jobs)

- 4.1.1 No employee will work an extra job without an approved or temporary extra job permit. Employees must have the approved or temporary permit (or a copy thereof) readily available while working the respective extra job and produce it to any supervisor or SIU employee upon request.

He also violated Work Rule 4.2.38 Outside Employment by openly enforcing private policy and procedures of the apartment complex.

Per APD.SOP.2060 (Extra Jobs)

- 4.1.3 Employees working extra jobs will not rely on any authority vested in a Department employee by the City of Atlanta or the State of Georgia to enforce civil contracts or the rules and regulations of a private enterprise.

Additionally, by not wearing his Atlanta Police uniform he was in further violation.

Per APD.SOP.2060 (Extra Jobs)

- 4.1.7 Employees working Type II, III, or V extra jobs will wear the Class B or Class C uniform. Lieutenants and below authorized to wear the Class C uniform in the performance of their regular duties may wear it while working extra jobs. Any uniform or clothing other than the Class B or Class C uniform must be requested and approved by a section commander in advance of the extra job permit (Form APD 727).

I recommend that the allegation against Officer Jackson for the Work Rule of 4.2.50

Maltreatment or Unnecessary Force, be sustained.

The Work Rule reads:

4.2.50 Maltreatment or Unnecessary Force

1. Employees are expressly prohibited from the unnecessary or unreasonable use of force against any person or property
2. Employees shall only use that force which is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend himself or another from physical assault, or to accomplish other lawful objectives. The reasonableness inquiry refers to whether the employee's actions are "objectively reasonable" in light of the facts and circumstances confronting him or her, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation (Graham v. Connor, 490 U.S. 386 (1989)).

When Officer Jackson placed his hands on [REDACTED] and she pulled away, visible marks were left on her arm. If Officer Jackson had Probable Cause to arrest [REDACTED] he would have

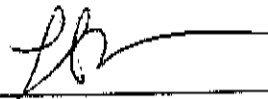
been authorized to use a reasonable amount of force to affect the arrest, but in this instance he used unnecessary force without authority.

I recommend that the allegation against Officer Jackson for the Work Rule of **4.2.51 Reporting Required When Force Used**, be sustained. The Work Rule reads:

4.2.51 Reporting Required When Force Used

1. Employees who use force against any person or the property of any person shall make a report of the incident and report it to their supervisor as soon as practicable.


Officer Jackson did not notify supervisor of his use of force. The mother of ~~Adrian Jackson~~ had to call 911 to have an on-duty officer come to the scene and only then was a supervisor notified. Officer Jackson had already returned to his apartment and plenty of time had passed without him notifying his supervisor.



Lieutenant D. Ferguson
Commander, Internal Affairs Unit

This Investigation is: ☒ Approved ☐ Disapproved

By:


Major E. B. Dancy
OPS Commander

03/27/13
Date

Comments: _____

**ATLANTA POLICE DEPARTMENT
NOTICE OF FINAL ADVERSE ACTION (NFAA)
OPS CONTROL #: 12-C-0811-UAF**

NAME (LAST, FIRST, MI) JACKSON, KYLEMA		4 DIGIT ID 3584	POSITION #	CLASSIFICATION OFFICER	DIVISION FOD	SECTION Z-3	WATCH DAY
EMPLOYEE STATUS PERMANENT <input checked="" type="checkbox"/> PROBATION <input type="checkbox"/> OTHER <input type="checkbox"/>		PERSONNEL ORDER # APD.PO.13.104	DISTRIBUTION 7	EMERGENCY ACTION? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			

NOTICE OF PROPOSED ADVERSE ACTION (N.P.A.A.) ISSUED ON:

Did employee respond to NPAA? ☒ YES ☐ NO If yes ☐ WRITTEN RESPONSE ☒ PERSONAL RESPONSE DATE RESPONDED **5/8/13**

Summary of Employee Response: Did not feel a grab was use of force. Understands he cannot enforce the building policy.

FINAL ADVERSE ACTION: If an emergency action state the nature of the emergency below in the Narrative.

☒ Suspension without pay for 5 working days.
 Suspension without pay pending adjudication of criminal charges. ☒ YES ☐ NO
 Demotion from _____ to _____
 Dismissal.
 Other _____

Was the Notice of Proposed Adverse Action Modified? ☒ YES ☐ NO
 Date NPAA Issued **5/3/13**
 Effective Date of Action **5/20/13**

NARRATIVE (Reasons for Adverse/Emergency Action)

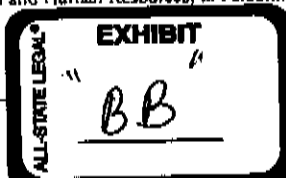
The specific disciplinary decision for each Departmental work rule or other violation you were charged with follows below:

RULE VIOLATION	DISCIPLINARY ACTION*
4.2.50 Maltreatment or Unnecessary Force	2 day suspension
4.1.1 Appropriate Action Required	2 day suspension
4.2.38 Outside Employment	1 day suspension

See attached page(s) for the specifics of the violation(s).

TO EMPLOYEE: Pursuant to Labor Management Relations Ordinance Section 114-547, you may appeal any adverse action taken in this matter to the City of Atlanta Civil Service Board by completing the Civil Service Appeal form and submitting it to the Bureau of Labor Relations.

<u>Deputy Chief E. R. Propp</u> TITLE AND NAME OF DISCIPLINARY AUTHORITY (PRINT OR TYPE NAME)	<u>[Signature]</u> 04/08/13 DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE
<u>[Signature]</u> 5-8-13 EMPLOYEE SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)	<u>[Signature]</u> 5/8/13 WITNESS SIGNATURE AND DATE



ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION

NOTICE OF FINAL ADVERSE ACTION

OPS CONTROL #: 12-C-0811-UAF

NAME (LAST, FIRST, MI)	4 DIGIT ID	POSITION #	CLASSIFICATION
JACKSON, KYLEMA	3584		OFFICER

NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.2.50 of the Employee Work Rules of this Department.
Said Rule states:

Maltreatment or Unnecessary Force

- A. Employees are expressly prohibited from the unnecessary or unreasonable use of force against any person or property.
- B. Employees will only use that force which is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend himself or another from physical assault or to accomplish other lawful objectives. The reasonableness inquiry refers to whether the employee's actions are "objectively reasonable" in light of the facts and circumstances confronting him or her, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation (Graham v. Connor, 490 U.S. 386 (1989) pp. 396-397).

SPECIFICALLY: On November 12, 2012, while working an unapproved extra job as a courtesy officer at 4000 Avenue S.W. Atlanta GA., you approached Ms. [REDACTED] as she sat in the shared computer room for residents. You initiated a citizen encounter and asked Ms. [REDACTED] to leave the computer room because she was not a resident of the apartment complex. Ms. [REDACTED] left the computer room and went to her grandmother's apartment as you followed. Ms. [REDACTED] entered her grandmother's apartment. After a brief discussion, you attempted to remove Ms. [REDACTED] from the residence by grabbing her right arm. You then escorted Ms. [REDACTED] from the property. As a result of your actions, Ms. [REDACTED] sustained minor injuries to her right arm. Ms. [REDACTED] was not charged with a crime nor did you ascertain if she had received any previous criminal trespass warnings from the apartment complex.

Your actions were contrary to APD.SOP.3010 (Use of Force), which states, "Employees will only use that force which is reasonable and necessary to affect an arrest, prevent an escape, necessarily restrict the movement of a prisoner, defend him/herself or another from physical assault or to accomplish other lawful objectives."

YOUR ACTIONS AS DESCRIBED ABOVE ARE IN VIOLATION OF THE LISTED RULE (S).

<u>Deputy Chief E. P. Propp</u> TITLE AND NAME OF DISCIPLINARY AUTHORITY	<u>[Signature]</u> 05/08/13 DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE
<u>[Signature]</u> 5-8-13 EMPLOYEE'S SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)	<u>[Signature]</u> 5/8/13 WITNESS SIGNATURE AND DATE

Form APD-834 revised 1/1/2000

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Original to OPS; photocopy: to employee; to employee's supervisor; to Personnel and Human Resources; to Personnel Section (2) & to Chief of Police

**ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION**

NOTICE OF FINAL ADVERSE ACTION

OPS CONTROL #: 12-C-0811-UAF

NAME (LAST, FIRST, MI) JACKSON, KYLEMA	4 DIGIT ID 3584	POSITION #	CLASSIFICATION OFC.
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NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.1.01 of the Employee Work Rules of this Department.
Said Rule states:

Appropriate Action Required

1. Employees shall respond in an appropriate manner to all situations by:
2. Being considerate of the rights, feelings, and interest of all persons.
3. Taking action in each situation to provide the necessary and appropriate service and insuring the proper notification of supervisors when appropriate.
4. Requesting the assistance of supervisors when the appropriate action required is unclear, not possible given circumstance, or not within the scope of authority of the employee of whom such action was requested.
5. Performing official acts in a lawful, restrained, dignified, impartial and reasonable manner.

SPECIFICALLY: On November 12, 2012, while working an unapproved extra job as a courtesy officer at █
██████████ S.W. Atlanta GA., you approached Ms. ████ as she sat in the shared computer room for
residents. You initiated a citizen encounter and asked Ms. ████ to leave the computer room because she was not a
resident of the apartment complex. Ms. ████ left the computer room and went to her grandmother's apartment as
you followed. Ms. ████ entered her grandmother's apartment. After a brief discussion, you attempted to remove
Ms. ████ from the residence by grabbing her right arm. You then escorted Ms. ████ from the property. As a result
of your actions, Ms. ████ sustained minor injuries to her right arm. Ms. ████ was not charged with a crime nor did
you ascertain if she had received any previous criminal trespass warnings from the apartment complex. However,
you forced Ms. ████ to leave the property against her will and wait in the rain. Additionally, during your initial
encounter with Ms. ████, you failed to wear or display any visible identification, which readily identified you as an
Atlanta Police Officer.

Your actions in the aforementioned instance were not considerate of the rights, feelings and interest of all persons,
nor were they performed in a lawful, restrained, dignified, impartial and reasonable manner.

YOUR ACTIONS AS DESCRIBED ABOVE ARE IN VIOLATION OF THE LISTED RULE (S).

<u>Deputy Chief E. L. Propp</u> <small>TITLE AND NAME OF DISCIPLINARY AUTHORITY</small>	 <small>DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE</small>
<u>██████████ 5-8-13</u> <small>EMPLOYEE'S SIGNATURE & DATE (Indicates receipt ONLY not agreement with action)</small>	<u>Sgt. ████ 5/8/13</u> <small>SUPV'S SIGNATURE AND DATE</small>
Form APD-834 revised 1/1/2000	[135]

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ATLANTA POLICE DEPARTMENT
ADVERSE ACTION CONTINUATION

NOTICE OF FINAL ADVERSE ACTION

OPS CONTROL #: 12-C-0811-UAF

NAME (LAST, FIRST, MI) JACKSON, KYLEMA	4 DIGIT ID 3584	POSITION #	CLASSIFICATION OFFICER
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NARRATIVE (REASONS FOR EMERGENCY ACTION)

GENERALLY: You are charged with violating Rule 4.2.38 of the Employee Work Rules of this Department.
Said Rule states:

Outside Employment

- A. Employees will not engage in any employment outside the Department without the prior written permission of the Chief or his or designee.

SPECIFICALLY: On November 12, 2012, you were involved in an incident at ██████ Avenue, while acting as a courtesy officer for the Villages of Carver Apartments. Your courtesy officer position at the Villages of Carver apartments requires a valid extra job permit signed by a supervisor, which you did not have. You indicated that you faxed a copy of your application to be a Courtesy Officer to the Personnel Unit.

YOUR ACTIONS AS DESCRIBED ABOVE ARE IN VIOLATION OF THE LISTED RULE (S).

<u>Deputy Chief E. R. Propp</u> TITLE AND NAME OF DISCIPLINARY AUTHORITY	<u>[Signature]</u> 05/08/13 DISCIPLINARY AUTHORITY'S SIGNATURE AND DATE
<u>[Signature]</u> 5-8-13 EMPLOYEE'S SIGNATURE AND DATE (Indicates receipt ONLY not agreement with action)	<u>[Signature]</u> 5/8/13 WITNESS SIGNATURE AND DATE

Form APD-834 revised 1/1/2000

P- 18 [136] 4 - 4

Original to OPS; photocopy: to employee; to employee's supervisor; to Personnel and Human Resources; to Personnel Section (2) & to Chief of Police

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILL O. KING,	:	
	:	JURY TRIAL DEMANDED
Plaintiff,	:	
	:	CIVIL ACTION FILE NO.
v.	:	1:15-CV-0583-TWT
KYLEMA JACKSON,	:	
Individually and in his Official	:	
Capacity as a City of Atlanta	:	
Police Officer, and	:	
THE CITY OF ATLANTA	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2015, I electronically filed a copy of the FIRST AMENDED COMPLAINT FOR DAMAGES, with Exhibits with the Clerk of Court using CM/ECF system with service on all attorneys of record for the City of Atlanta electronically. I also hereby certify that since Defendant Kylema Jackson has not provided a method to serve him electronically, I have this day placed a copy in the U.S. Mail, first class, with adequate postage thereon to his address of 1650 Anderson Mill Road, #7103, Austell, GA 30106.

/s/ Richard B. Crohan
Richard B. Crohan
Georgia Bar No. 197120
rcrohan@mcklaw.org